

TITLE 22

Environmental Policy and Construction

This title was most recently updated by the following ordinances:

Ordinance No.	Subject	Effective Date	Code Site
5333	Survey, Listing, Designation, and Demolition of Historical Resources	November 18, 2004	Title 22
5336	Minimum Size of Efficiency Units	November 25, 2004	Section 22.04.020
5365	Adoption of 2004 California Electrical Code	July 28, 2005	Chapter 22.04
5375	Temporary Application Standard for Architectural Board of Review	November 24, 2005	Chapter 22.68
5382	Amendments to California Building Code (2001 Edition)	January 12, 2006	Section 22.04.020
5380	Establishment of Staff Hearing Officer Position	February 11, 2006	Chapters 22.22 and 22.68

TITLE 22

ENVIRONMENTAL POLICY AND CONSTRUCTION

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Chapter 22.04

ADOPTION OF UNIFORM CONSTRUCTION/ TECHNICAL CODES RELATED TO CONSTRUCTION

Sections:

22.04.010 Adoption of Uniform Codes by Reference.	22.04.020 Amendments to Uniform Codes.
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22.04.010 Adoption of Uniform Codes by Reference.

Subject to the amendments provided for in Section 22.04.020, the following Uniform Codes and certain appendix chapters and the references therein are hereby adopted by reference and shall be known as the City of Santa Barbara Building Code:

1. The "**California Building Code**," **2001 Edition**, as based on the 1997 Uniform Building Code, including the appendix chapters thereto, except Appendix Chapter 4, Appendix Chapter 10, Appendix Chapter 11, Appendix Chapter 12 Division II, Appendix Chapter 13, Appendix Chapter 19, Appendix Chapter 21 and Appendix Chapter 23, as published by the International Conference of Building Officials.
2. The "**Uniform Housing Code**," **1997 Edition**, as published by the International Conference of Building Officials.
3. The "**Uniform Code for the Abatement of Dangerous Buildings**," **1997 Edition**, as published by the International Conference of Building Officials.
4. The "**California Electrical Code**," **2004 Edition**, as based on the 2002 National Electrical Code and as published by the National Fire Protection Association.
5. The "**California Plumbing Code**," **2001 Edition**, as based on the 1997 Uniform Plumbing Code, including the appendix chapters, except Chapter E and including the Installation Standards, as published by the International Association of Plumbing and Mechanical Officials.

6. The "**California Mechanical Code, 2001 Edition**", as based on the 1997 Uniform Mechanical Code, including all appendix chapters, as published by the International Association of Plumbing and Mechanical Officials.
7. The "**Appendix Chapter 1**" of the "**Uniform Code for Building Conservation, 1997 Edition**", as published by the International Conference of Building Officials.
8. The "**Uniform Administrative Code, 1997 Edition**", as published by the International Conference of Building Officials.

Said codes and any standards and secondary codes adopted by reference and the amendments therein are on file and available for public inspection in the office of the City Clerk as provided for in Chapter 1, Part 1, Division 1 of Title 5 of the California Government Code.

22.04.020 Amendments to the Uniform Codes.

The Uniform Codes adopted by reference pursuant to this Chapter are amended as set forth in Section 2 of Ordinance No. 5256, Section 2 of Ordinance No. 5336, Section 2 of Ordinance No. 5365, and Section 2 of Ordinance No. 5382. (Ord. No. 5382, 2005; Ord. 5365, 2005; Ord. 5336, 2004; Ord. 5256, 2002; Ord. 5104, 1999; Ord. 4931, 1995; Ord. 4770, 1992; Ord. 4639, 1990; Ord. 4604, 1989; Ord. 4575, 1989; Ord. 4302, 1984; Ord. 4241, 1984; Ord. 4221, 1983; Ord. 4144, 1982; Ord. 4117, 1981; Ord. 4104, 1981; Ord. 4064, 1980.)

Chapter 22.05

HAZARDOUS WASTE MANAGEMENT PLAN

Sections:

22.05.010 Purpose.

22.05.020 Decisions Shall be Consistent with County Hazardous Waste Management Plan.

22.05.010 Purpose.

The California State Legislature has declared it to be in the public interest to establish an effective process for hazardous waste management planning and has adopted a process for development and public review of local plans to serve as the primary planning documents for hazardous waste management. The County of Santa Barbara and appropriate city and state agencies have approved a Santa Barbara County Hazardous Waste Management Plan pursuant to that process.

It is the purpose of this Chapter to require certain decisions to be consistent with the portions of the approved county plan which identify general areas or siting criteria for hazardous waste facilities. (Ord. 4825, 1993.)

22.05.020 Decisions Shall be Consistent with County Hazardous Waste Management Plan.

To the extent required by the provisions of California Health and Safety Code Section 25135.7, all applicable zoning, subdivision, development plan, conditional use permit, modification and variance decisions on projects made by and on behalf of the City of Santa Barbara shall be consistent with the Hazardous Waste Management Plan for the County of Santa Barbara, as adopted, approved and amended, from time to time. The County has adopted the Hazardous Waste Management Plan as the Hazardous Waste Element of the Santa Barbara County Comprehensive Plan. (Ord. 4825, 1993.)

Chapter 22.06

HAZARDOUS WASTE GENERATORS

Sections:

22.06.010 Title.

22.06.020 Purpose and Intent.

22.06.030 Definitions.

22.06.040 Applicability.

22.06.050 Requirements.

22.06.010 Title.

This Chapter shall be referred to as the Hazardous Waste Generators Ordinance of the City of Santa Barbara. (Ord. 4825, 1993.)

22.06.020 Purpose and Intent.

The purpose of this Chapter is to implement certain policies of the Hazardous Waste Management Plan adopted in Chapter 22.05 of this Code by requiring hazardous waste generators to incorporate waste minimization and emergency response considerations into their uses and developments. The intent is to require generators to submit a Waste Minimization Plan to the Santa Barbara County Department of Environmental Health Services or successor agency and incorporate waste minimization techniques where technically and economically feasible, comply with the County Department of Environmental Health Services' Generator Permit Program and prepare an emergency response plan where required by Chapter 6.95 (commencing with Section 25500) of the California Health and Safety Code. (Ord. 4825, 1993.)

22.06.030 Definitions.

Whenever in this Chapter the following terms are used, they shall be construed to have the meaning(s) ascribed to them in this section unless it is apparent from the context in which they appear that some other meaning is intended.

A. Business Plan. A "Business Plan" means that plan which each business with specified quantities of hazardous materials (including wastes) must prepare under Chapter 6.95 of the California Health and Safety Code. The business plan must include an inventory of hazardous materials on site, an emergency response plan and employee training procedures.

B. Generator. "Generator" means the person, business or facility who, by nature of ownership, management or control is responsible for causing or allowing to be caused the creation of hazardous waste.

C. Generator Permit. "Generator Permit" means the annual permit to operate required by State law of all generators of hazardous waste. Generator Permits must be obtained from the Santa Barbara County Department of Environmental Health Services, or successor agency.

D. Hazardous Waste. "Hazardous Waste" means a waste, or combination of wastes, which because of the quantity, concentration or physical and chemical characteristics may either a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. Hazardous waste also includes those materials described in Title 22, Division 4.5, Chapter 11, California Code of Regulations (CCR).

E. Waste Minimization. "Waste Minimization" means the reduction, to the maximum extent feasible, of hazardous waste that is generated or subsequently stored, treated or disposed of. Waste minimization is a reduction in the total volume or quantity of hazardous waste and minimizes the present and future threat to human health and the environment. As used in the Hazardous Waste Management Plan and this Code, waste minimization includes source reduction, recycling and on site treatment of hazardous wastes. (Ord. 4825, 1993.)

22.06.040 Applicability.

The provisions of this Chapter apply to any activity within the City of Santa Barbara for which a Generator Permit is required that is undertaken by a person or business who is or will be a generator of hazardous waste. (Ord. 4825, 1993.)

22.06.050 Requirements.

A. As part of the application to the County Department of Environmental Health Services for a Generator Permit, the applicant shall submit a Waste Minimization Plan.

B. All new or modified Generator Permits shall incorporate waste minimization techniques to the maximum extent that is economically and technically feasible.

C. Prior to the issuance of any City building permit, the applicant shall have an approved Generator Permit from the County Department of Environmental Health Services or an accepted application for a Generator Permit.

D. Prior to commencement of operations, any building permit shall require submittal of a Business Plan to the County Department of Environmental Health Services if such a plan is required under Chapter 6.95 (commencing with Section 25500) of the California Health and Safety Code. (Ord. 4825, 1993.)

Chapter 22.07

COVENANTS OF EASEMENT

Sections:

22.07.010	Creation of Easements.	22.07.050	Runs with Real Property.
22.07.020	Common Ownership.	22.07.060	Recordation.
22.07.030	Effective Date, Duration.	22.07.070	Procedure for Release of Covenant.
22.07.040	Identification of Easement and Approval.	22.07.080	Fees.

22.07.010 Creation of Easements.

Pursuant to Article 2.7 (commencing with Section 65870) of Chapter 4 of Division 1 of Title 7 of the Government Code, which authorizes any city to adopt an ordinance for the imposition of covenants of easements, each City official or agency with authority to issue or approve a land use or development permit shall have authority to require recordation of covenants of easement to assure compliance with any conditions of approval and any other requirement of law. A covenant of easement required pursuant to this Chapter may be for parking, ingress, egress, emergency access, light and air access, landscaping, or open space purposes or a combination of the aforementioned purposes. For purposes hereof, "land use or development permit" shall include, but not be limited to, a grading permit, building permit, development plan approval, specific plan approval, conditional use permit, variance, modification, architectural design approval and all similar permits and approvals for the use of development of land. (Ord. 4454, 1987.)

22.07.020 Common Ownership.

A covenant of easement created pursuant to this Chapter shall only be effective if at the time of its recordation, all of the real property benefited or burdened by the covenant shall be in common ownership. (Ord. 4454, 1987.)

22.07.030 Effective Date, Duration.

The covenant of easement shall be effective when recorded and shall act as an easement pursuant to Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the Civil Code, except that it shall not merge into any other interest in the real property. Section 1104 of the Civil Code shall be applicable to conveyance of the affected real property. A covenant or easement authorized by this Chapter may not be terminated except as authorized by Section 22.07.070. (Ord. 4454, 1987.)

22.07.040 Identification of Easement and Approval.

A covenant of easement recorded pursuant to this Chapter shall describe the real property to be subject to easement and the real property to be benefited thereby and shall identify the approval, permit, or designation granted which relied upon or required the covenant. (Ord. 4454, 1987.)

22.07.050 Runs with Real Property.

A covenant executed pursuant to this Chapter shall be enforceable by the successors in interest to the real property benefited by the covenant, the City and any person authorized to enforce it by the City. (Ord. 4454, 1987.)

22.07.060 Recordation.

The covenant of easement (i) shall be recorded in the official records of the County of Santa Barbara, (ii) shall contain a legal description of the real property, and (iii) shall be executed by the owner of the real property. From and after the time of its recordation, the covenant shall impart notice thereof to all persons to the extent afforded by the recording laws of this state. Upon recordation, the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the real property. (Ord. 4454, 1987.)

22.07.070 Procedure for Release of Covenant.

A. RELEASE. Any owner of property which is burdened or benefited by the covenant of easement may file an application for the release of its covenant. The application shall be filed with the Community Development Department on forms approved by that Department, shall contain the information required by the Department and be accompanied by all applicable processing fees. The Community Development Department shall review said application and shall make a recommendation to the Planning Commission which shall conduct a hearing on said application. Upon a determination that the restriction of the property is no longer necessary to achieve the land use goals of the City, the Planning Commission shall direct the Community Development Director to record a release of the covenant.

B. APPEAL TO CITY COUNCIL. Any decision of the Planning Commission under this Section may be appealed to the City Council by filing a notice of appeal with the City Clerk and making payment of all required appeal fees within ten days after the decision of the Planning Commission. (Ord. 4454, 1987.)

22.07.080 Fees.

The City Council may, by resolution, establish fees for filing applications, processing covenants of easement and releases thereof and any other matters related to this Chapter. (Ord. 4454, 1987.)

Chapter 22.08

PARTIALLY DESTROYED BUILDINGS

Sections:

22.08.010	Title and Purpose.	22.08.070	Financial Hardship.
22.08.020	Definitions Generally.	22.08.080	Duties of Public Works Director.
22.08.025	Partially Destroyed Buildings.	22.08.090	Costs to be Borne by Property Owner.
22.08.030	Notice to Property Owner.	22.08.100	Lien.
22.08.040	Duties of Property Owner.	22.08.110	Interest Charges.
22.08.050	Failure to Abate.		
22.08.060	Findings.		

22.08.010 Title and Purpose.

The City Council hereby finds that the continued presence in an area or neighborhood of a partially destroyed building causes a blight on that neighborhood, adversely affects neighboring property values, invites vandalism, and may result in injury to persons and property. The City Council further finds that the continued presence of partially destroyed buildings is an unsightly and blighting physical object contrary to the general welfare and character of the community. The City Council further finds that the health, safety and welfare of the City requires the removal, repair, or reconstruction of partially destroyed buildings by the property owner or removal of said buildings by the City at the expense of the property owner after the property owner has been given the opportunity, but fails to carry out his duty to abate the condition. (Ord. 4032, 1979.)

22.08.020 Definitions Generally.

For the purposes of this chapter, words, phrases and terms not specifically defined in the Municipal Code shall have the meanings stated in the most recent versions of the Uniform Building Code or Uniform Housing Code that have been adopted by the City. (Ord. 4032, 1979.)

22.08.025 Partially Destroyed Buildings.

A partially destroyed building shall be any building or structure or part thereof which has received damage by fire, earthquake, flood, wind or by any similar cause except normal usage and which has not been repaired and which will require reconstruction or repair in order to restore the building or structure to its prior use and normal exterior appearance. (Ord. 4032, 1979.)

22.08.030 Notice to Property Owner.

The Building Official of the City shall give written notice by either personal service or by mail to the property owner of record of a partially destroyed building. Said notice shall include a copy of this chapter of the Code and a statement that the Building Official has determined that the building is a partially destroyed building with a brief and concise description of the conditions which make said building violative of this chapter. Said statement shall also specify a time within which the partially destroyed building shall be repaired, reconstructed or removed by the property owner. (Ord. 4032, 1979.)

22.08.040 Duties of Property Owner.

Within forty-five (45) days after receipt of written notice from the Building Official as provided for in §22.08.030, the property owner shall either remove the partially destroyed building or begin actual repair or reconstruction of such partially destroyed building. The Building Official, upon a showing of good cause and that the removal, repair or reconstruction is delayed due to causes beyond the control of the property owner, may extend the period of time for commencement and/or completion of the work. (Ord. 4032, 1979.)

22.08.050 Failure to Abate.

In the event the property owner has not begun the repair and reconstruction or removal of the structure within the time limits set forth in §22.08.040, the Building Official shall cause to be filed for record with the County Recorder, a Notice of Intention to Record a Notice of Order to Abate describing the real property, naming the property owner thereof, describing the violation and giving notice of the City Council hearing. The Building Official shall give written notice by personal delivery or mail to the property owner that the City intends to carry out the removal of the structure and have the cost of said removal be made a charge against the property owner and lien against the property, unless the building is removed, repaired and/or reconstructed so as to eliminate the condition that is violative of this

chapter. The Building Official shall also advise the property owner that he has a right to attend and present evidence at a scheduled hearing before the City Council of the City of Santa Barbara for the purpose of final determination that the building is a partially destroyed building as defined under this chapter, that the blighting condition should be eliminated and that the building should be removed by the City if the violation of this chapter is not eliminated by other parties. Said hearing shall begin no later than thirty (30) days after the date of the personal delivery or mailing of the notice and may be continued by the City Council. (Ord. 4032, 1979.)

22.08.060 Findings.

Upon completion of the hearing, the City Council shall find as to the fact that the building is a partially destroyed building and upon such fact being found shall determine that the building shall be removed, repaired, and/or reconstructed by the property owner within a prescribed time or the City shall cause the building to be removed. Said determination shall be made based upon the evidence presented and a report from the Building Official regarding the existing condition of the building, the estimated costs of repair, reconstruction and removal and the desirability of abating the blighted condition. If the City Council makes such a determination, written findings and an order shall be approved. After said hearing, the City Clerk shall cause to be filed for record a Notice of Order to Abate with the County Recorder and shall give all parties who have a recorded interest in the property notice of such recordation by mail. (Ord. 4032, 1979.)

22.08.070 Financial Hardship.

If the property owner makes an application to the City Council for financial assistance for the repair and/or reconstruction of the partially destroyed building prior to the conclusion of the hearing conducted under 22.08.050 and during the course of that hearing it is determined by the City Council that said partially destroyed building included a legal dwelling as defined by City zoning ordinance; and, if the City Council finds during said hearing that the property owner of said partially destroyed building desires to repair and/or reconstruct the building; and, if the property owner is unable, after making reasonable efforts, to obtain the necessary financing for said repair and/or reconstruction and does not have his or her own financial resources to complete same; and, if the City Council determines that it would be both appropriate and desirable to repair and/or restore said dwelling, then under such conditions the City Council may:

- a. determine that a financial hardship exists;
- b. determine that the restoration of the dwelling is consistent with the City's housing plans, programs, and priorities thereof;
- c. authorize the appropriate City department, advisory committee, commission, or authority to process an appropriate application for financial assistance from any source of funds then available to the City or to any resident of the City, for the purpose of repair and/or reconstruction of said dwelling;
- d. upon the authorization set forth in (c) above, extend the prescribed time for the removal, repair or reconstruction to such date as shall allow sufficient time to determine the outcome of the application for financial assistance. (Ord. 4032, 1979.)

22.08.080 Duties of Public Works Director.

The Public Works Director shall, after completion of the hearing and approval of the findings by the City Council that the building is a partially destroyed building, and after the failure of property owner to remove, repair or reconstruct the partially destroyed building within the prescribed time as set forth in the order, obtain the necessary services by contract or by using City forces to carry out the removal of the partially destroyed building as directed by City Council. A record shall be kept of all costs incurred by the City including time spent for the preparation of plans and the supervision of the work to carry out the removal of the building as a partially destroyed building. Upon completion of said efforts, the Public Works Director shall file a report with the City Council as to the costs incurred. The property owner shall be provided a copy of said report, notice of a hearing before the City Council, and an opportunity to appear before the City Council to be heard regarding the reasonableness of the costs incurred by the City. (Ord. 4032, 1979.)

22.08.090 Costs to be Borne by Property Owner.

Upon completion of the hearing before the City Council as to the reasonableness of the costs, the City Council shall determine the reasonable costs incurred by the City to remove the partially destroyed building and the property owner shall be advised of said amount which shall be due and payable to the City. Upon request of the property owner, the City may agree to a mutually acceptable payment schedule. (Ord. 4032, 1979.)

22.08.100 Lien.

In the event the amount determined to be due and payable to the City is not paid within thirty (30) days after the determination by the City Council or as otherwise agreed, said amount shall become a charge against the property involved. The City Administrator shall thereafter cause the amount of said charge to be recorded on the assessment roll as an assessment against the property and thereafter said assessment shall constitute a special assessment and lien against and upon the property. Any portion of said assessment remaining unpaid after the due date for payment thereof shall be subject to the penalties and proceedings then in effect for property taxes due within the City of Santa Barbara. (Ord. 4032, 1979.)

22.08.110 Interest Charges.

The City shall be entitled to interest at the rate applicable for unpaid taxes on all costs incurred by the City as determined pursuant to Section 22.08.090. (Ord. 4032, 1979.)

Chapter 22.10

VEGETATION REMOVAL

Sections:

22.10.010	Title.	22.10.050	Application.
22.10.020	Purpose.	22.10.055	Fees.
22.10.030	Definitions.	22.10.060	Approval - Conditions.
22.10.040	Permit Required - Exceptions.	22.10.090	Severability.

22.10.010 Title.

This chapter shall be known and referred to as the Vegetation Removal Ordinance of the City of Santa Barbara. (Ord. 3808 §1, 1975.)

22.10.020 Purpose.

The purpose of this chapter is to control the removal of vegetation from hillside areas of the City of Santa Barbara and areas designated as open space in the Open Space Element of the General Plan in order to prevent erosion damage, reservoir siltation, denuding, flood hazards, soil loss, and other dangers created by or increased by improper clearing activities; and to establish the administrative procedure for issuance of permits for vegetation removal. (Ord. 4043, 1980; Ord. 3808 §1, 1975.)

22.10.030 Definitions.

For the purposes of this Chapter, the following words shall have the meanings set forth herein unless the context requires a different meaning:

A. "HILLSIDE DESIGN DISTRICT" means a parcel or a portion of a parcel which is within the Hillside Design District as defined in Section 22.68.110 of this Code.

B. "PERSON" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number.

C. "SITE" means any lot or parcel of land or contiguous combination thereof under the same ownership, or portion of any lot or parcel, where vegetation removal is performed or permitted.

D. "VEGETATION" means introduced or native plants, shrubs, trees, grasses, and roots thereof. (Ord. 4878, 1994; Ord. 3808 §1, 1975.)

22.10.040 Permit Required - Exceptions.

No person may permit, cause to have done or perform vegetation removal on any site in the Hillside Design District, as defined in Section 22.10.030.A contrary to the terms of or without first having obtained a permit from the Division of Land Use Controls; except that a permit is not required for the following:

A. Harvesting of crops, fruit or nut trees.

B. Removal or destruction of vegetation on a site on which the total area of native vegetation removal is less than one thousand (1,000) square feet within a period of one year, and not exceeding three thousand (3,000) square feet in any five year period, if such removal or destruction of vegetation is deemed appropriate, taking into account potential siltation or pesticide contamination of creeks, drainages or water supply reservoirs, by the Chief of Building and Zoning. Removal or destruction of non-native vegetation on a site on which the total area of non-native vegetation removal is less than two thousand (2,000) square feet within a period of one year, and not exceeding six thousand (6,000) square feet in any five year period, if such removal or destruction of vegetation is deemed appropriate, taking into account potential siltation or pesticide contamination of creeks, drainages or water supply reservoirs, by the Chief of Building and Zoning. Removal or destruction of native or non-native vegetation will not be subject to a Vegetation Removal Permit if the Applicant can show that the average slope of the removal site and access to the removal site is less than twenty percent (20%).

C. The removal or destruction of vegetation performed, caused to be performed, required to be performed, or approved by a fire prevention agency having jurisdiction including but not limited to weed abatement, clearance around a building or structure, fuel breaks, fire breaks and controlled burns, except that when new construction is proposed in the Hillside Design District and clearance will be required around the new construction under the Uniform Fire Code, a Vegetation Removal Permit shall be required unless the applicant can show that the vegetation removal meets the exception set forth in Paragraph B above.

D. The removal or destruction of vegetation by public utilities on existing rights-of-way or property owned by such utility or existing access rights-of-way to such utility rights-of-way or property.

E. The removal or destruction of vegetation by public agencies on publicly owned property or rights-of-way for trails, roads, highways, streets, flood control projects or other similar or related public uses.

F. The removal or destruction of vegetation in connection with work performed under a valid grading permit issued pursuant to the provisions of Chapter 22.06 of the Municipal Code (Grading Ordinance) when the work includes precautionary measures to control erosion and flood hazards during the prosecution of such work as well as upon completion thereof and all conditions set forth in Section 22.10.060 of this Chapter have been met. (Ord. 4878, 1994; Ord. 4043, 1980; Ord. 3808 §1, 1975.)

22.10.050 Application.

Prior to the removal or destruction of vegetation covered by this chapter, the owner or person in control of a site, or the agent of either one, shall submit a written application on forms prescribed and provided by the Division of Land Use Controls of the City of Santa Barbara, properly filled in. Said forms when completed shall at a minimum describe the proposed location, method, purpose, and duration of the vegetation removal and the anticipated impact on flood hazards, erosion, soil loss, reservoir siltation, sedimentation and water quality. No application shall be considered complete until the data requested by the application form is submitted to the Division of Land Use Controls, and an Environmental Assessment, if required, has been completed. (Ord. 4043, 1980; Ord. 3808 §1, 1975.)

22.10.055 Fees.

Application and permit fees shall be established by resolution of the City Council. There shall be a fee for filing of an application which is intended to cover the costs of processing the application and is not refundable. In addition, there shall be a separate fee for the permit that is issued. Any person who shall commence work for which a permit is required under this chapter without first having obtained a required permit, shall, if subsequently permitted to obtain a permit, pay fees in the amount of five (5) times the required fees as established by resolution. (Ord. 4043, 1980.)

22.10.060 Approval - Conditions.

The Division of Land Use Controls shall issue a permit approving the proposed vegetation removal when satisfied that the performance of the work will not be likely to create new or increase existing flood, erosion, soil loss, reservoir siltation, sedimentation or water quality hazards, and the proposed work conforms with the requirements of all applicable laws and rules and regulations adopted pursuant thereto. No such permit shall be issued unless it has been approved by the Architectural Board of Review or the Historic Landmarks Commission if it is in a Landmarks District.

A. The Community Development Department may impose such conditions on the issuance of a permit as are deemed reasonably necessary to avoid creating new or increasing existing flood, erosion, soil loss, reservoir siltation, sedimentation or water quality hazards. These conditions may include, but shall not be limited to, the following:

1. A requirement that certain protective structures or devices be installed in or adjacent to drainage courses to control downstream transportation of silt or debris;
2. The methods to be used in the removal or destruction of vegetation and the sequence of such operations;
3. A requirement that portions of the area cleared which are not necessary for prompt use for crops or trees be planted with approved grasses or other plants to provide protection against erosion damage.

B. Each permit issued shall contain the following conditions:

1. Vegetation removal shall be prohibited from November 1 to April 15 of any year unless effective and specific erosion control measures approved by the Division of Land Use Controls are in place.
2. Removal of any native vegetation in the one hundred (100) year flood zone of any creek or drainage shall be prohibited except as required for flood control purposes or to restore native habitat.
3. Soil Suitability. Site specific agricultural soil tests shall be required on all very low suitability land planned for orchard crop production in order to determine the viability of that land for such crops prior to the issuance of any land use permits as set forth in Administrative Guidelines approved by resolution of City Council. Agricultural use shall not be allowed on land with non-viable soils including soils that are shown to have a very high erosion hazard potential or which qualify as Class VIII soils as defined by the United States Department of Agriculture Soil Conservation Service.

4. Avocado Root Rot. Where a property is or is proposed to be planted with avocados in an area which is shown to have a very high root rot hazard, a three (3) to six foot (6') fence, wall or other suitable barrier shall be installed in order to prevent the spread of Avocado Root Rot.

5. Minimization of Soil Erosion. A mixture of Blando Brome and Zorro Fescue shall be seeded in all cleared orchard areas between October 1 and November 15. Seeds shall be hand broadcast at a rate of eight (8) pounds per acre and shall be covered by one-half (½) to one (1) inch of soil. Mowing shall occur after the seeded grass has matured in the Spring in order to allow for continued perpetuation.

6. Oak Tree Removal. Any oak tree with a minimum trunk diameter of four inches (4") measured four feet (4') from the base of the trunk removed shall be replaced by five (5) oak trees of the same species elsewhere on the lot. Replaced oak trees shall be effectively maintained.

7. Habitat Protection. Removal of any native vegetation in the one hundred (100) year flood zone of any creek or drainage is prohibited, except as required for flood control purposes. In addition, vegetation removal shall be prohibited in any area that is determined to be a Southern Oak Woodland, Riparian or Bunchgrass habitat by a qualified biologist.

8. Land clearing that involves noise generation greater than 60 dB(A) at the property line adjacent to any school or other educational facility shall not occur during hours when classes are in session. (Ord. 4878, 1994; Ord. 4043, 1980; Ord. 3808 §1, 1975.)

22.10.090 Severability.

If any portion of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application thereof to other persons or circumstances shall not be affected thereby. (Ord. 3808 §1, 1975.)

Chapter 22.12

ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Sections:

22.12.001 Legislative Intent.

22.12.020 Standards.

22.12.010 Applicability.

22.12.001 Legislative Intent.

It is the intent of this Section to provide for the preservation and protection of significant archaeological and paleontological resources found in the City of Santa Barbara.

22.12.010 Applicability.

All new development in the City of Santa Barbara shall be designed and constructed wherever feasible to avoid destruction of archaeological and paleontological resources consistent with the standards outlined in Section 22.12.020, below.

22.12.020 Standards.

1. **KNOWN SITES.** Permits to perform grading determined through the Environmental Review process or indicated through records kept by the State of California, or the University of California, to be within an area of known or probable archaeological or paleontological significance may be conditioned in such a manner as to:

(a) Ensure the preservation or avoidance of the site, if feasible; or

(b) Minimize adverse impacts on the site; or

(c) Allow reasonable time for qualified professionals to perform archaeological or paleontological investigations at the site; or

(d) Preserve for posterity, in such other manner as may be necessary or appropriate in the public interest, the positive aspects of the archaeological or paleontological site involved.

2. **UNKNOWN SITES.** Where a grading permit has been issued with respect to an area not known at the time of issuance to include archaeological or paleontological resources, and where it is subsequently learned, either by representatives of the City or by any persons doing development pursuant to a grading permit, that significant archaeological or paleontological resources may be encompassed within the area to be graded or being graded, all grading which has substantial potential to damage archaeological or paleontological resources shall cease and the grading permit deemed suspended to that extent. The finding of a site which may contain significant archaeological or paleontological resources shall be reported to the Chief of Building and Zoning, or the Public Works Director if a public project, and the Community Development Director within 72 hours from the time such archaeological or paleontological resources are found. The Chief of Building and Zoning, or the Public Works Director if a public project, upon receiving such a report, shall cause a preliminary investigation of the site to be made by qualified experts at the permittee's expense within five (5) working days after the time such a report is received. If the preliminary investigation should confirm that the site does or may contain significant archaeological or paleontological resources, the grading permit shall be suspended for a period not to exceed 45 days after the date the finding of the resources was first reported to or learned by the City. During the period of suspension, and as promptly as reasonably possible, the Chief of Building and Zoning, or the Public Works Director if a public project, shall develop conditions to be included in the grading permit pursuant to the provisions of Subsection 22.12.020.1. When such conditions are developed and included in the grading permit, said permit shall be deemed reissued subject to such conditions, and the suspension shall be deemed terminated. In extraordinary circumstances, the suspension may be extended beyond 45 days if the Chief of Building and Zoning, or the Public Works Director if a public project, makes application to the City Council for such an extension and the Council shall approve extension of the suspension.

3. **APPEALS.** Any condition or conditions imposed pursuant to the provisions of Subsection 22.12.020.1 may be appealed to the Planning Commission and thence to the Council in the manner prescribed by Section 1.30.050 of this Code. (Ord. 5136, 1999; Ord. 4174, 1982.)

Chapter 22.14

SURFACE MINING AND RECLAMATION PRACTICE

Sections:

22.14.010 Purpose and Intent.	22.14.060 Review Procedures.
22.14.020 Definitions.	22.14.070 Performance Bond.
22.14.030 Incorporation of State Act and Regulations.	22.14.080 Public Records.
22.14.040 Scope.	22.14.090 Periodic Review.
22.14.050 Permit and Reclamation Plan Requirements.	22.14.100 Amendments.
	22.14.110 Enforcement.
	22.14.120 Appeals.

22.14.010 Purpose and Intent.

This Ordinance is adopted pursuant to the California Surface Mining and Reclamation Act of 1975 (Public Resources Code 2710 *et seq.*), hereinafter referred to as the State Act, and the California Administrative Code Regulations adopted pursuant thereto (14 Cal. Admin. Code §3500 *et seq.*), hereinafter referred to as the State Regulations.

The City Council finds and declares that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society and the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect public health and safety.

The City Council further finds that the reclamation of mined lands, as provided in this ordinance, the State Act, and the State Regulations, will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

The City Council further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore, may vary accordingly.

The City Council further finds that the purpose of the regulation of surface mining operations is to assure that:

- A. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- B. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, and aesthetic enjoyment.
- C. Residual hazards to the public health and safety are eliminated. (Ord. 4483, 1987)

22.14.020 Definitions.

A. "Exploration" or "Prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of materials present.

B. "Mined Lands" includes the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools or other materials or property which results from, or is used in, surface mining operations are located.

C. "Minerals" include any naturally occurring chemical element or compound, or groups, elements or compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

D. "Mining Waste" includes the residual of soil, rock, tailings, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

E. "Operator" means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf.

F. "Overburden" includes soil, rock or other materials that lie above the natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

G. "Permit" includes any formal authorization from or approval by, the City, the absence of which would preclude surface mining operations.

H. "Person" means any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.

I. "Reclamation" is the process of land treatment that minimizes water degradation, air pollution, damaged aquatic or wildlife habitat, flooding, erosion, and other adverse effect from surface mining operations, including adverse surface effects, incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

J. "State Board" means the State Mining and Geology Board, and the Department of Conservation, State of California.

K. "State Geologist" is the individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

L. "Surface Mining Operations" are all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include but are not limited to, in-place distillation, retorting or leaching; the production and disposal of mineral wastes; prospecting and exploratory activities. (Ord. 4483, 1987)

22.14.030 Incorporation of State Act and Regulations.

The provision of the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 through 2793) and the California Administrative Code Regulations implementing the Act (14 Cal. Admin. Code Sections 3500 through 3508), as either may be amended from time to time, are made part of this paragraph by reference, as if fully set forth herein. (Ord. 4483, 1987)

22.14.040 Scope.

The provisions of this Chapter shall apply to the incorporated areas of the City of Santa Barbara and all lands owned by the City outside the corporate limits, except as follows:

A. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.

B. Prospecting and exploration for minerals of commercial value where less than 1000 cubic yards of overburden is removed in any one location of one acre or less.

C. Any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores, and overburden, or involve more than one acre in any location.

D. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.

E. Such other mining operations that the City determines to be of an infrequent nature, and which involve only minor surface disturbances and are categorically identified by the State Board, pursuant to Sections 2714(d) and 2758(c) of the California Surface and Mining Reclamation Act of 1975. (Ord. 4483, 1987)

22.14.050 Permit and Reclamation Plan Requirements.

A. Unless exempt by provisions of the State Act or State Regulations, any person who proposes to engage in surface mining operations, as defined in this Chapter, shall, prior to the commencement of such operations, obtain (1) a permit to mine and (2) approval of a reclamation plan in accordance with the provisions set forth in this Chapter, the State Act and the State Regulations.

An application for a permit or for approval of a reclamation plan for surface mining operations shall be made on forms provided by the Community Development Department.

B. A person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1976, shall not be required to secure a permit pursuant to the provisions of this Chapter, as long as such vested right continues, provided that no substantial change is made in that operation except in accordance with the provisions of this Chapter. A person shall be deemed to have such vested rights if, prior to January 1, 1976, he has in good faith and in reliance upon a permit or other authorization, if such permit or such other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

A person who claims to have obtained a vested right to conduct surface mining operations prior to January 1, 1976 shall submit to the Community Development Department not later than March 31, 1988, an application for approval of a reclamation plan for operations to be conducted after January 1, 1976, unless (i) a reclamation plan was approved by the County of Santa Barbara prior to January 1, 1976, and (ii) the person submitting that plan has accepted responsibility for re-claiming the mined lands in accordance with that Plan. No provision of this Chapter shall be construed to require the filing of a reclamation plan or, the reclamation of mined lands, on which surface mining operations were conducted prior to, but not after January 1, 1976.

C. The Community Development Director shall notify the State geologist of the filing of all permit applications within thirty (30) days of receipt of the completed application.

D. This Ordinance shall be periodically reviewed and revised, as necessary, in order to insure that it is in accordance with the State policy for mined lands and reclamation. (Ord. 4483, 1987)

22.14.060 Review Procedures.

The Community Development Department shall forward the completed application to the Environmental Analyst for environmental review. Following completion of the environmental review process, the Community Development Director shall schedule a public hearing before the Planning Commission for the purpose of consideration of the issuance of a conditional use permit for the proposed surface mining operation. (Ord. 4483, 1987)

22.14.070 Performance Bond.

On a finding by the Planning Commission that a supplemental guarantee for the reclamation of the mined land is necessary, and upon a determination by the Community Development Department of the cost of the reclamation of the mined land according to the reclamation plan, a surety bond, lien, or other security guarantee, conditioned upon the faithful performance of the reclamation plan, shall be filed with the Community Development Department. Such surety shall be executed in favor of the City of Santa Barbara and shall be reviewed and revised as necessary, biannually. Such surety shall be maintained in an amount equal to the cost of completing the remaining reclamation of the site as pre-scribed in the approved or amended reclamation plan during the succeeding two year period or other reasonable term. (Ord. 4483, 1987)

22.14.080 Public Records.

Any reclamation plan, report, application, and other document pursuant to this Chapter is a public record unless it can be demonstrated to the satisfaction of the City that the release of such information or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The City shall identify such proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications and other documents submitted pursuant to this chapter, including proprietary information, shall be furnished to the district geologist of the State Division of Mines and Geology by the City of Santa Barbara. Proprietary information shall be made available to persons other than the state geologist only when authorized by the mine operator and by the mine owner, in accordance with Section 2778, California Surface and Reclamation Act of 1975. (Ord. 4483, 1987)

22.14.090 Periodic Review.

As a condition of approval for the permit or the reclamation plan or both, a schedule for periodic inspections of the site shall be established to evaluate continuing compliance with the permit and the reclamation plan. (Ord. 4483, 1987)

22.14.100 Amendments.

A proposed amendment to an approved reclamation plan may be submitted to the City at any time, detailing proposed changes from the original plan. Deviation from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the City.

An amendment to an approved reclamation plan shall be approved in the same procedure as is prescribed for approval of the reclamation plan.

Variations in approved reclamation plans may be allowed upon request of the operator or applicant upon a finding by the Planning Commission that each such requested variation is necessary to achieve the prescribed or higher post-mining use of the re-claimed land. (Ord. 4483, 1987)

22.14.110 Enforcement.

It shall be the duty of the Community Development Director to enforce this Chapter. Any person who violates the provisions of this Chapter shall be subject to the penalties described in Chapter 1.28 of the Santa Barbara Municipal Code. (Ord. 4483, 1987)

22.14.120 Appeals.

Any person aggrieved by an act or determination of the Planning Commission in the exercise of the authority granted herein shall have the right to appeal to the City Council pursuant to the provisions of Section 1.30.050 of this Code. (Ord. 5136, 1999; Ord. 4483, 1987)

Chapter 22.18

SEISMIC SAFETY ORDINANCE

Sections:

22.18.010 Scope.

22.18.020 Definitions.

22.18.030 General Requirements.

22.18.040 Appeals.

22.18.050 Enforcement.

22.18.060 Administration.

22.18.010 Scope.

This Chapter shall apply to all buildings identified by street address within the "City of Santa Barbara Survey of Potentially Hazardous Buildings" completed in 1988 ("Survey"). The Chapter shall also apply to any other building which utilizes unreinforced masonry bearing walls as an element of construction and for which construction began prior to the City's adoption on July 24, 1947 of the 1946 Edition of the Uniform Building Code. This Chapter does not apply to (i) single family residences, duplexes, or buildings containing less than five dwelling units and used exclusively for residential purposes, and (ii) buildings owned and occupied by federal, state or county governments. (Ord. 4984, 1996; Ord. 4586, 1989.)

22.18.020 Definitions.

A. **BEARING WALL.** A wall with a total superimposed load in excess of one hundred (100) pounds per linear foot, or an infill wall that will experience lateral forces as a result of the inability of other lateral load resisting framing elements to resist the lateral forces specified in Appendix Chapter One of the Uniform Code for Building Conservation.

B. **DISTRICT MITIGATION SCHEDULE.** A document adopted by resolution of City Council that subdivides the City of Santa Barbara into five districts, and includes a schedule identifying, by district, deadlines for permit approval and for completion of construction.

C. **HIGH RISK BUILDING.** Any Potentially Hazardous Building having an occupant load in excess of one hundred (100) persons, as determined by Uniform Building Code Section 1002.1 except (i) a building having exterior walls braced with masonry or wood frame crosswalls of at least full story height, with a minimum length of one and one-half (1 1/2) times the story height, spaced less than forty (40) feet apart in each story, or (ii) a building occupied less than twenty (20) hours per week. Any building meeting one of these exception criteria shall be classified as a Moderate Risk Building.

D. **MODERATE RISK BUILDING.** Any Potentially Hazardous Building not classified as a High Risk Building.

E. **NOTICE OF BUILDING CLASSIFICATION.** A notice to be mailed by the Chief of Building and Safety to the owner of every structure identified within the Survey, specifying the degree of risk represented by that structure.

F. **POTENTIALLY HAZARDOUS BUILDING.** A building for which construction began prior to the City's adoption on July 24, 1947 of the 1946 Edition of the Uniform Building Code and which is constructed of unreinforced masonry bearing wall construction.

G. **SERVICE DATE.** The date a notice is posted by the United States Postal Service, as evidenced by certified mail receipt, to a building owner at the address most recently indicated by the roles of the County Tax Assessor.

H. **STATE HISTORIC BUILDING CODE.** Part 8 of Title 24 of the California Code of Regulations.

I. **UNIFORM BUILDING CODE.** A model code published by the International Conference of Building Officials, incorporated by reference in Section 22.04.010 of this Code.

J. **UNIFORM CODE FOR BUILDING CONSERVATION.** A code applying exclusively to existing buildings and published by the International Conference of Building Officials, the Second Printing (copyright 1987) portions of which have been amended by local ordinance and incorporated by reference in Section 22.04.010 of this Code. (Ord. 4984, 1996; Ord. 4586, 1989.)

22.18.030 General Requirements.

Each Potentially Hazardous Building shall be designated as either a High or Moderate Risk Building and shall be included on a list of such structures maintained by the Chief of Building and Safety. The owners of each structure listed in the Survey shall be served a Notice of Building Classification and a District Mitigation Schedule.

A. **PERMITS AND CONSTRUCTION.** Unless otherwise excepted, each Potentially Hazardous Building shall meet all of the requirements outlined in Appendix Chapter One of the Uniform Code for Building Conservation as amended by local ordinance. Where the scope of work proposed by the owner of a Potentially Hazardous Building, including demolition and replacement of an existing building or structure pursuant to Section 28.87.045, is limited to compliance with this Chapter, the requirements for permit approval shall be exclusively those outlined within this Chapter. Minor exterior work, such as parapet bracing or wall anchor plate installation on buildings located within El Pueblo Viejo Landmark District or another landmark district or on a building that is a designated Landmark, shall be subject to review by the Community Development Director or designee in accordance with guidelines approved by the Historic Landmarks Commission. Such minor exterior work on buildings outside of landmark districts shall be subject to review by the Community Development Director or designee in accordance with guidelines approved by the Architectural Board of Review. Other exterior work will be subject to full Historic Landmarks Commission or Architectural Board of Review approval, as applicable. Nothing in this Chapter shall be construed so as to prohibit additions to buildings as permitted under Municipal Code Section 28.87.300.

B. **TIME LIMITS.** All time limits shall be as outlined in the District Mitigation Schedule established by resolution of the City Council.

C. **EXCEPTIONS.** Two categories of buildings are excepted from this general requirement as provided below: (i) Moderate Risk Buildings which may utilize alternative compliance measures provided by Appendix Chapter One of the Uniform Code for Building Conservation in accordance with Table No. A1-E as amended by local ordinance and adopted by reference in Chapter 22.04 of this Code, and (ii) historical buildings listed in the 1987 Cultural Resources Section of the City's Master Environmental Assessment, and Landmarks and Structures of Merit designated pursuant to Chapter 22.22 of this Code which may utilize the alternative compliance measures outlined in (i) above or those described in Chapter 8-5 "Alternative Structural Regulations" of the State Historic Building Code. Application of alternative compliance measures for High Risk Historic Buildings shall be evaluated on a case by case basis in accordance with the required findings of reasonable safety contained in the State Historic Building Code. (Ord. 4984, 1996; Ord. 4847, 1994; Ord. 4586, 1989.)

22.18.040 Appeals.

Property owners appealing the determination that their building is potentially hazardous must do so in writing to the Building and Fire Code Board of Appeals ("Board") in accordance with Section 204 of the Uniform Administrative Code. An appeal shall be filed with the City Clerk within 180 days of the service date for the Notice of Building Classification. Each appeal request shall be accompanied by a fee in an amount set by resolution of the City Council and shall include verification that (i) construction began after July 24, 1947, (ii) materials used were other than unreinforced masonry, or (iii) the building is in compliance with requirements outlined in Sections A106 through A108 of the Uniform Code for Building Conservation, as demonstrated by a complete structural analysis in accordance with those sections. The Chief of Building and Safety shall review all materials used in support of the appeal prior to scheduling the appeal and may reclassify such buildings based upon the information submitted. All decisions and appeals shall be governed by standards and procedures established by the Community Development Director and all decisions of the Board shall be final. (Ord. 4984, 1996; Ord. 4586, 1989.)

22.18.050 Enforcement.

Any person who fails to comply with the provisions of this Chapter within the time limits established herein is guilty of a misdemeanor. Each 30 day period of continued failure to comply shall constitute a separate offense. In the alternative, the Chief of Building and Safety may elect to invoke the provisions of the Uniform Code for the Abatement of Dangerous Buildings. (Ord. 4984, 1996; Ord. 4586, 1989.)

22.18.060 Administration.

The Chief of Building and Safety may promulgate administrative rules and policies for the administration of this Chapter. (Ord. 4984, 1996; Ord. 4586, 1989.)

Chapter 22.21

ENCROACHMENTS INTO PUBLIC ROADS, STREETS, ALLEYS AND RIGHTS OF WAY AS PUBLIC NUISANCE

Sections:

22.21.010	Encroachments into Public Roads, Streets, Alleys and Rights of Way Declared a Nuisance.	22.21.060	Council to Hear Objections to Proposed Removal.
22.21.020	Description of Property in Resolution Declaring Nuisance.	22.21.070	Order to Abate - Owner May Abate Before City Begins Work.
22.21.030	Resolution May Cover Several Parcels.	22.21.080	Report of City's Expenses.
22.21.040	Posting and Form of Notice to Abate.	22.21.090	Hearing On and Confirmation of City's Costs - Costs to be Lien - Collecting Costs.
22.21.050	Time for Posting Notice to Abate.	22.21.100	Reservation of Police Powers.

22.21.010 Encroachments into Public Roads, Streets, Alleys and Rights of Way Declared a Nuisance.

A. Encroachments in, on, under, or interfering with the use or improvement of any public road, street, alley, storm drain, sewer or waterline easement, or other public property or right of way which are not removed within 30 days following demand by the City Public Works Director or City Engineer may be declared to be a public nuisance by resolution of the City Council.

B. Any obstruction to the use or improvement of any public road, street, alley, sewer or water easement, or other public property or right of way may be declared to be a public nuisance by resolution of the City Council.

C. A condition declared to be a public nuisance by resolution of the City Council may be abated at the joint and several expense of:

1. the person or persons who placed, installed, or constructed such encroachment or obstruction;
2. the person or persons for whose benefit such encroachment or obstruction was placed, installed or constructed; and,
3. the present owner(s) of the land or premises for the benefit of which the encroachment or obstruction was placed, installed or constructed. (Ord. 4831, 1993)

22.21.020 Description of Property in Resolution Declaring Nuisance.

The resolution adopted pursuant to Section 22.21.010 shall describe the property upon which the nuisance exists, or the property for the benefit of which such nuisance was placed, installed, or constructed by reference to the latest County Tax Assessor's records available to the public, and no other description of the property shall be required. In lieu thereof, reference may be made to the parcel or lot and block number of the property according to the official map or other records. (Ord. 4831, 1993)

22.21.030 Resolution May Cover Several Parcels.

Any number of parcels of property may be included in one and the same resolution declaring the nuisance. (Ord. 4831, 1993)

22.21.040 Posting and Form of Notice to Abate.

After adoption of the resolution as provided by Sections 22.21.020 and 22.21.030, the Public Works Director, or City Engineer shall cause a notice to abate the nuisance to be mailed to the person responsible for the obstruction or encroachment, if known, and conspicuously posted on the property on which the nuisance exists, and on the property which was to benefit from the obstruction or encroachment, if reasonably identified. At least three such notices shall be placed on such property, near such nuisance, at intervals not more than one hundred feet (100') in distance apart. Such notice shall include the words: "Notice to Abate Nuisance" in letters not less than one inch (1") in height, and shall be substantially in the following form:

NOTICE TO ABATE NUISANCE

NOTICE IS HEREBY GIVEN, that on _____, 19____, the Santa Barbara City Council adopted a resolution declaring that an obstruction or encroachment located within or extended into public property by _____, or installed for the benefit of property more particularly described in such resolution, constitutes a public nuisance which must be abated by removal, otherwise the obstruction or encroachment will be removed and the nuisance will be abated by order of the City in which case the cost of such removal, together with incidental expenses, shall be charged to such person or agency responsible and assessed upon the lots and lands for the benefit of which such installation was made, and such costs and incidental expenses will constitute a lien upon such lots or lands until paid. Reference is hereby made to such resolution for further particulars.

All persons and all property owners having any objections to the proposed abatement are hereby notified to attend a meeting of the Santa Barbara City Council to be held on the _____ day of _____, 19____, at the Council Chamber of the Santa Barbara City Hall, 735 Anacapa Street, Santa Barbara, California, when their objections will be heard and given due consideration.

Dated:

(Ord. 4831, 1993)

22.21.050 Time for Posting Notice to Abate.

The notice provided in Section 22.21.040 shall be posted at least ten (10) days prior to the time stated therein for hearing objections by the City Council. (Ord. 4831, 1993)

22.21.060 Council to Hear Objections to Proposed Removal.

At the time stated in the notice posted pursuant to Sections 22.21.040 and 22.21.050, the Council shall hear and consider all objections or protests, if any, to the proposed abatement found by resolution to be a nuisance, and may continue the hearing from time to time. Upon the conclusion of the hearing the Council by motion or resolution shall allow or overrule any or all objections, whereupon the Council may perform the work of removal. The decision of the Council on the matter shall be final and conclusive. (Ord. 4831, 1993)

22.21.070 Order to Abate - Owner May Abate Before City Begins Work.

After final action has been taken by the Council under Section 22.21.060 on the disposition of any protests or objections, or in case no protests or objections have been received, the Council, by motion or resolution, may order the Public Works Director or City Engineer to abate the nuisance considered pursuant to this Chapter by causing such nuisance to be removed and the premises restored to a lawful condition, suitable for public use and such officer, and the deputies, agents and employees of such officer are hereby expressly authorized to enter upon private property for that purpose. Any property owner, or other person responsible, shall have the right to have such nuisance abated at his own expense; providing abatement is accomplished prior to the arrival of the City officer or representatives prepared to do the same. (Ord. 4831, 1993)

22.21.080 Report of City's Expenses.

The City officer or deputy charged with such abatement shall keep an account of the costs, including the costs of printing and posting notices, of abating the nuisance as provided in this Chapter. The City officer or deputy charged with such abatement shall render an itemized written report to the Council, identifying the parties known to be responsible, and showing the costs, apportioned to each separate lot or parcel of land as provided in this Chapter. At least five days before such report is submitted to the Council for confirmation, a copy of the report, together with a notice of the time when such report shall be submitted to the Council for confirmation, shall be mailed to the address of the parties responsible, if their address is known, and posted with City Council meeting notices on the premises of City Hall. (Ord. 4831, 1993)

22.21.090 Hearing On and Confirmation of City's Costs - Costs to be Lien - Collecting Costs.

At the time fixed for receiving and considering the report required by Section 22.21.080, the City Council shall hear the same, together with any objections which may be raised by any of the persons liable to be assessed for the work of abating the nuisance and thereupon make such modifications in the report as they deem necessary, after which, by motion or resolution, the report shall be confirmed. The amount of the cost for abating such nuisance shall be referred to the City Finance Director for collection and may be assessed against the various parcels of land referred to in the report and, as confirmed, shall constitute a lien on such property for the amount of such assessments, respectively.

After confirmation of such report, a copy thereof shall, as determined by the Finance Director, be delivered to the County Assessor and to the County Tax Collector, whereupon it shall be the duty of such officers to add the amounts of the respective assessments to the next regular bills for taxes levied against the respective lots and parcels of land identified and thereafter such amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquency as is provided for ordinary property taxes.
(Ord. 4831, 1993)

22.21.100 Reservation of Police Powers.

Nothing in this Chapter is intended to limit the ability of the City to respond as needed to remove a nuisance or other obstruction where required to maintain the public health, peace or safety, under provisions of Chapter 10.56 of this Code, or as otherwise required in proper exercise of a police power. At the discretion of the Public Works Director or City Engineer any such obstruction, encroachment or other nuisance which has been placed, fallen, or is so positioned as to directly interfere with public use, obscure visibility, impede traffic, produce imminent hazard, or which is placed in violation of any law, shall be removed without the order, delay, notice, or accounting provided in this Chapter. The Public Works Director is authorized to seek recovery for the costs of such removal from the party or parties responsible. (Ord. 4861, 1994; Ord. 4831, 1993)

Chapter 22.22

HISTORIC STRUCTURES

Sections:

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22.22.030	The Preparation and Use of Historic Resource Surveys; Identification of Potential Historic Resources for Possible Designation as a City Landmark or a Structure of Merit.	22.22.102	Map.
22.22.035	Demolition Applications Within a Survey Area.	22.22.104	Required Architectural Styles.
22.22.037	Demolition of a Listed Historic Structure.	22.22.110	Brinkerhoff Avenue Landmark District.
22.22.040	Criteria for Designation of Landmarks and Structures of Merit.	22.22.112	Map.
22.22.050	Procedure for Designation of a Landmark.	22.22.114	Required Architectural Styles.
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22.22.080	Demolition, Relocation, or Alteration of a Landmark.	22.22.131	Neighborhood Preservation Ordinance Findings.
22.22.085	Designation of Structures of Merit.	22.22.132	Historic Landmarks Commission Notice and Hearing.
22.22.090	Demolition, Relocation, or Alteration of a Structure of Merit.	22.22.133	Historic Landmarks Commission Referral of Residential Projects to Planning Commission.
		22.22.135	Application Fee.
		22.22.140	Publicly Owned Property.
		22.22.150	Preservation Easements.
		22.22.170	Appeal from Commission to City Council.

22.22.010 Purpose.

It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, perpetuation and use of structures, natural features, sites and areas within the City of Santa Barbara having historic, architectural, archaeological, cultural or aesthetic significance is required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. The purpose of this chapter is to:

A. Safeguard the heritage of the City by providing for the protection of landmarks representing significant elements of its history;

B. Enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within landmark districts reflecting unique and established architectural traditions;

C. Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;

D. Strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists and visitors;

E. Promote the private and public use of landmarks and landmark districts for the education, prosperity and general welfare of the people;

F. Stabilize and improve property values within the City;

G. Undertake the identification, inventory, and consideration of those structures, sites and natural features within the City which may merit designation as a City Historic Resource in accordance with the Historic Resource criteria established by state Public Resource Code Section 5024.1, as it is presently enacted or hereinafter amended. (Ord. 5333, 2004; Ord. 3900 §1, 1977.)

22.22.020 Definitions.

Unless the context requires a different meaning, the words and phrases used in this chapter are defined as follows:

A. "ADOBE." An unburnt, sun-dried, clay brick; or a building made of adobe bricks.

B. "ADVISORY MEMBER." An Honorary Member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.

C. **"ALTERATION."** An exterior change or modification. For the purposes of this chapter, an alteration shall include, but not be limited to, exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, a structural addition, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

D. **"ARCHAEOLOGICAL."** Pertaining to the scientific study of the life and culture of earlier peoples by excavation of sites and relics.

E. **"ARCHITECTURAL."** Pertaining to the science, art or profession of designing and constructing buildings.

F. **"CEQA."** The "California Environmental Quality Act" as codified at state Public Resources Code §§ 21000 et seq. and the approved Administrative Guidelines related thereto as established in the California Code of Regulation, Title 14, Chapter 3, §§ 15000-15387.

G. **"COMMISSION."** Historic Landmarks Commission established by City Charter.

H. **"COUNTY ASSESSOR."** The Tax Assessor of the County of Santa Barbara.

I. **"CULTURAL."** Pertaining to the concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.

J. **"DEMOLITION."** The permanent removal from a structure of either a significant component or a character defining element, as may be determined by the Historic Landmarks Commission or where appropriate, by the Community Development Director. Demolition shall include, but not be limited to, the act of pulling down, destroying, removing, relocating or razing a structure or commencing the work thereof with the intent of completing the same.

K. **"ELEVATIONS."** The flat scale orthographic projected drawings of all exterior vertical surfaces of a building.

L. **"FAÇADE."** The front of a building or the part of a building facing a street, courtyard, etc.

M. **"HISTORIC RESOURCE."** A City designated "Landmark" or a City designated "Structure of Merit."

N. **"HISTORIC RESOURCE SURVEY."** A field investigation of structures, sites, or natural features within a certain designated area or neighborhood of the City made by the City for the purpose of identifying potential City Historic Resources.

O. **"LANDMARK."** A structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark under the provisions of this chapter.

P. **"LANDMARK DISTRICT."** An area of the City of Santa Barbara containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark district under the provisions of this Chapter.

Q. **"MEMBER."** A member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.

R. **"NATURAL FEATURE."** A tree, plant life or geological or other distinctive physical characteristic or natural feature or element present on the real property.

S. **"NEIGHBORHOOD."** An area of the City of Santa Barbara designated as such in the City's General Plan.

T. **"OWNER."** A person, association, partnership, firm, corporation or public entity appearing as the holder of legal title to any property on the last assessment roll of the County Assessor.

U. **"POTENTIAL HISTORIC RESOURCES LIST."** A list consisting of those structures, real property sites, or real property natural features which have been identified by the Historic Landmarks Commission as being a potentially significant historic resource as such identification process is provided for in Section 22.22.030 hereof.

V. **"PRESERVATION EASEMENT."** An interest held by the public in any structure, natural feature, site or area not owned by the public and restricting its use, alteration, relocation or demolition for the purpose of preservation.

W. **"SITE PLAN."** A flat scale drawing of the place where something is, is to be, or was located.

X. **"STRUCTURE."** A building or any other man-made object affixed on or under the ground.

Y. **"STRUCTURE OF MERIT."** A structure not designated as a landmark but deserving official recognition as having historic, architectural, archaeological, cultural or aesthetic significance and designated as a Structure of Merit under the provisions of this Chapter. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3904 §8, 1977; Ord. 3900 §1, 1977.)

22.22.030 The Preparation and Use of Historic Resource Surveys; Identification of Potential Historic Resources for Possible Designation as a City Landmark or a Structure of Merit.

A. **POTENTIAL HISTORIC RESOURCES LIST.** The Historic Landmarks Commission, acting with the administrative support of Community Development Department staff, shall periodically review, amend, and maintain a master list of potential Historic Resources within the City (The City's "Potential Historic Resources List") as part of the certified Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites (hereinafter the "MEA Historic Resources Guidelines") as such Guidelines are defined and provided for in CEQA Guideline Section 15169.

B. SURVEYS AND IDENTIFICATION OF POTENTIAL HISTORIC RESOURCES.

1. **Use of Historic Resource Surveys.** The Community Development Director shall prepare, administer, and implement regulations for undertaking and completing Historic Resource Surveys within certain designated areas and neighborhoods of the City of Santa Barbara on a regularly scheduled basis for the purposes of identifying possible Historic Resources pursuant to the mandate of Subsection (A) above for the listing of such resources on the Potential Historic Resources List. Such Historic Resource Surveys shall be conducted in a manner consistent with the requirements of the City's MEA Historic Resources Guidelines and with appropriate survey regulations as approved by resolution of the City Council. The Historic Resource Surveys shall also be undertaken in accordance with locational priorities established by the Commission for certain areas and neighborhoods of the City, subject only to the necessary direction and budgetary approval of the City Council.

2. **Initial Survey Study Area Designation.** The area of the City shown on the "2004 Demolition Review/Historic Resources Survey Study Area" as shown on the map denominated the "2004 Demolition Review/Historic Resources Survey Study Area," attached hereto as a Chapter exhibit (dated as of the effective date of the ordinance approving this amendment), shall be the first area of the City designated for neighborhood Historic Resource Surveys pursuant to the requirements of Subsection (B)(1) above.

3. **Administrative Review of Existing Potential Historic Resources List.** Upon the adoption of the ordinance making this amendment to Chapter 22.22, the Community Development Director, acting through the City's Urban Historian or other appropriate designated staff, is hereby directed to undertake an administrative review of each of the properties, buildings, structures, and real property features which were heretofore listed on the City's Potential Historic Resources List, as such List was attached as an appendix to the City's Master Environmental Assessment Historic Resources Guidelines as approved by action of the City Council in January 2002. This administrative review shall be completed within two (2) years of the adoption of the ordinance amending this Chapter and shall, within one hundred twenty (120) days of its completion, result in the submission to the HLC of a proposed revised Potential Historic Resources List consistent with the provisions of this Chapter for consideration and appropriate revisions, and its approval by the HLC at a noticed public hearing conducted in accordance with the processes set forth in subsection (E) and subsection (F) hereof.

C. **IDENTIFICATION OF POTENTIAL RESOURCES BY COMMISSION MEMBERS.** In addition to the identification of potential Historic Resources through the use of Historic Resource Surveys pursuant to subsection (B) above, a member of the Commission may identify a structure, a real property site, or a natural feature which, in the Commissioner's opinion, may qualify for possible inclusion on the City's Potential Historic Resources List. Any such identification may be made by the filing of a written request for the listing of the structure, site, or natural feature as a Potential City Historic Resource pursuant to the provisions of this Section. Such written request shall state in detail the reasons the Commissioner believes that such a listing is appropriate and shall be made in accordance with the criteria for listing as a Potential Historic Resource established in the MEA Historic Resources Guidelines.

D. LISTING OF STRUCTURES, SITES, AND NATURAL FEATURES ON THE CITY'S POTENTIAL HISTORIC RESOURCES LIST.

1. **Use of Survey Identifications.** Those structures, real property sites, or natural features identified through the survey process established by Subsection (B) hereof as having potential for designation as a City Historic Resource shall be considered and acted upon by the Commission for official listing on the City's Potential Historic Resources List at a noticed hearing conducted in accordance with subsection (E) below held not more than one year after the identification of the structure, real property site, or feature through the completion of the Survey process for that area of the City.

Pending a hearing on possible listing initiated pursuant to this subsection (D), the Community Development staff may arrange for the preparation of an expert Historic Structure/Site Report regarding the possible Historic Resource significance of the structure, site, or feature. Such report shall be prepared in accordance with the requirements of the MEA Historic Resources Guidelines.

The failure of the Commission to list an identified structure, site or feature within the one year time frame required by this subsection shall constitute a determination by the Commission that the structure, site, or feature is not appropriate for listing on the City's Potential Historic Resources List, unless a delay beyond one year is at the specific written request of the owner of the real property being considered for listing.

2. **Commissioner Historic Resource Identification Requests.** Those structures, real property sites, or natural features identified as a result of a Commissioner request as having a potential for designation as City Historic Resources pursuant to Subsection (C) above shall be considered and acted upon by the Commission for listing on the Potential Historic Resources List at a noticed hearing conducted in accordance with subsection (E) below held not more than one hundred twenty (120) days after the date of the filing with the Community Development Director of the written request by a Commissioner pursuant to subsection (C) hereof. Pending a hearing on a possible listing initiated pursuant to this subsection, the Community Development staff may request the preparation of a report prepared by the City's Urban Historian regarding the possible Historic Resource significance of the site, structure, or feature.

The failure of the Commission to list a structure, site, or feature identified by a Commissioner as having a potential for designation within the one hundred twenty (120) day time frame required by this subsection shall constitute a determination by the Commission that the structure, site, or feature is not appropriate for listing on the City's Potential Historic Resources List unless a delay beyond one hundred twenty (120) days is at the specific written request of the owner of the real property being considered for listing.

3. **Use of Historic Structure/Site Report Obtained in Connection with HLC Review.** Those structures, real property sites, or natural features identified as a result of a Historic Structure/Site Report obtained either in connection with HLC review occurring pursuant to the landmark district requirements of Section 22.22.130 or Section 22.22.140 (or obtained in connection with environmental review of a proposed new development conducted in accordance with the requirements of the City MEA Historic Resource Guidelines) as having the potential for designation as City Historic Resources shall be considered and acted upon by the Commission for listing on the Potential Historic Resources List. Such consideration shall occur at a Commission hearing held concurrent and in accordance with the landmark district hearing process required by Section 22.22.130 or concurrent with HLC final comment review of the submitted Historic Structure/Site Report scheduled in accordance with the process established for such HLC comments in the MEA, as the case may be.

E. **PUBLIC HEARING PROCESS FOR POSSIBLE LISTING.** Prior to conducting the noticed hearing required by subsection (D)(1) or (D)(2) above for the listing of an identified structure, site, or natural feature, the owner(s) of the real property upon which the structure or feature is located (as such ownership is listed on the last equalized County of Santa Barbara Tax Assessment Roll) shall be provided with written notice of the Commission's hearing by depositing a notice thereof in the regular United States Mail not less than sixty (60) days prior to the scheduled hearing date, unless the owner consents in writing to a lesser period of time. Such notice shall, at a minimum, contain the notice information required by state Government Code Section 65094, [as currently enacted or hereinafter amended].

At the Commission hearing to consider the listing, the property owner [or owner's representative] and City staff shall be entitled to present any relevant evidence, both oral and written, to establish whether the structure, site or natural feature has appropriate potential for designation as a City Historic Resource.

F. **APPEAL OF LISTING DETERMINATION TO THE CITY COUNCIL.** A decision by the Commission to list a structure, site, or feature on the City's Potential Historic Resources List may be appealed to the City Council in accordance with the appeal procedures established in Santa Barbara Municipal Code Chapter 1.30.

G. **ADMINISTRATIVE REGULATIONS RELATING TO THE PRESERVATION OF CITY HISTORIC RESOURCES.** The City Community Development Director shall prepare administrative regulations relating to the proper completion of Historic Surveys, the method of listing of Potentially Historic Resources and the appropriate process for evaluating measures intended to protect and preserve identified potentially Historic Resources, and such administrative regulations shall be approved by a resolution of the City Council adopted concurrently with the ordinance effectuating this amendment to Santa Barbara Municipal Code Chapter 22.22. (Ord. 5333, 2004.)

22.22.035 Demolition Applications Within a Survey Area.

A. **PROPOSED DEMOLITION OF AN OLDER UNSURVEYED STRUCTURE, FEATURE OR SITE.** An application for a building permit to alter a structure, site, or natural feature within the area denominated as the "2004 Demolition Review/Historic Resources Survey Study Area" (or within any other survey area which may subsequently be established by the City Council pursuant to this Chapter) shall be referred to the Community Development Director for a determination of whether the structure, site, or feature may have potential as a City Historic Resource in accordance with the criteria established in this Chapter and for a determination of whether the alteration work proposed in the permit application could constitute a "demolition" as that term is defined by this Chapter.

B. **ADMINISTRATIVE RESOURCE EVALUATIONS.** If, under Section (A) above, the site, structure, or feature proposed for demolition (as determined by the Community Development Director in accordance with definition in this Chapter) has not yet been surveyed and it is determined, through the use of City records, that the structure or feature is in excess of fifty years of age, the Community Development Director shall request that an administrative historic resource evaluation be prepared by the City Urban Historian (or other appropriate City staff person designated by the Director). This evaluation shall be for the purposes of assessing the potential historic resource significance of the structure, site, or feature prior to its demolition. In addition, the purpose of the administrative historic resource evaluation shall be to determine whether it is appropriate to obtain an Historic Structure/Site Report in order to assist the Commission in determining whether the structure, site, or feature should be considered by the Commission for designation as a City Historic Resource pursuant to this Chapter.

C. **COMPLETION OF THE ADMINISTRATIVE EVALUATION - ACTION ON EVALUATIONS.**

1. **Timeframe for Administrative Evaluation – Failure to Complete.** The administrative Historic Resource evaluation required by Subsection (B) above shall be completed within thirty (30) calendar days of the date of an applicant's request for a permit to demolish a structure or natural feature or site within a survey area. Absent the written consent of the property owner, the failure to complete such an administrative evaluation within the required thirty (30) day period shall be deemed a determination that the structure, feature, or site has no potential as a City Historic Resource, and thereafter, the City shall issue the requested demolition permit on a ministerial basis, provided that the applicant/owner has otherwise complied with applicable City building/demolition permit submittal requirements for such a demolition.

2. **Determination of No Potential Historic Significance.** If the administrative Historic Resource evaluation determines in a timely fashion under this Section that the structure, feature, or site has no significant potential as an Historic Resource, the City shall issue the requested demolition permit on a ministerial basis, provided

the applicant has otherwise complied with any other applicable City building/demolition permit submittal requirements for such a demolition.

3. **Determination of Potential Historic Significance.** If the administrative Historic Resource evaluation determines that a structure, site, or a natural feature has potential as a City Historic Resource, the Community Development Director shall refer the requested demolition permit for full discretionary review by the Commission and for a concurrent determination by the Commission concerning the possible designation of the structure, site, or feature as a City Historic Resource. Such a Commission hearing shall be conducted pursuant to the hearing requirements of subsection (D) below and shall occur within the time frame set forth therein.

Upon completion of an Administrative Evaluation which indicates that the structure, site or feature may have potential as a City Historic Resource, and pending a Commission hearing on the issuance of the demolition permit or the possible designation of the structure, site, or feature, the Community Development Director shall require the applicant, at the applicant's expense, to obtain and submit a professional report on the possible Historic Resource significance of the structure, site, or feature for which the demolition permit application has been made. Such a report shall be prepared in accordance with the requirements of the MEA Historic Resource Guidelines and shall be made available to the Commission for consideration at its scheduled hearing on the permit request and possible designation.

D. COMMISSION PUBLIC HEARING PROCESS FOR DEMOLITION APPLICATIONS AND POSSIBLE LISTING OR DESIGNATION.

1. **Complete Demolitions.** For those demolition applications referred to the Commission pursuant to the requirements of subsection (C)(3) above which, in the opinion of the Community Development Director, constitute the complete demolition of a possibly historic structure or of a site feature, the demolition permit request shall be scheduled at the Commission for a hearing on the demolition permit application in accordance with this Section concurrently with a duly noticed hearing to allow the Commission to initiate a recommendation to the City Council to designate the structure or feature as a City Landmark pursuant to Section 22.22.050 of this Chapter.

The Commission hearing shall be scheduled within sixty (60) days of the completion of and submission to the City of the owner's Historic Resource Report required by subsection (C)(3) above, as such completion shall be certified in writing by the Community Development Director. The applicant/owner shall be provided with not less than fifteen (15) days prior written notice of the Commission hearing, which notice shall contain the information required by state Government Code Section 65094, as currently enacted or hereinafter amended, provided that such notice period may be less with the owner's specific written consent.

At the Commission hearing, the applicant/owner and City staff shall be entitled to present all relevant evidence, both oral and written, to establish whether a demolition permit should be issued for the structure, site or feature and to establish whether the structure, site, or feature should or should not be recommended for designation as a City Landmark.

In deciding whether to approve the issuance of a demolition permit pursuant to this subsection (D)(1), if the Commission determines that the demolition permit should be issued, the Commission may also impose those historic preservation mitigation measures in connection with the issuance of the demolition permit that the Commission deems appropriate.

If the Commission declines to issue the requested demolition permit, the Commission shall concurrently act to adopt a resolution of intention initiating the possible designation of the structure, site or feature as a City Landmark to the City Council pursuant to the Landmark designation provisions of Section 22.22.050 of this Chapter.

2. **Partial Demolitions.** For those permit applications referred to the Commission pursuant to the requirements of subsection (C)(3) above which, in the opinion of the Community Development Director, constitute the removal or demolition of a significant component or character-defining element of a possibly historic structure, site, or feature (hereinafter referred to as a "partial demolition"), the permit request shall be scheduled at the Commission for a hearing on the application in accordance with this subsection (D)(2) concurrently with a duly noticed hearing to allow the Commission to also decide among the following options: 1. the listing of the structure, site, or feature as a Potential Historic Resource, or 2. its designation by the Commission as a City Structure of Merit, or 3. a recommendation to the City Council to designate the structure, site, or feature as a City Landmark pursuant to this Chapter.

The Commission hearing shall be scheduled within sixty (60) days of the completion of and submission to the City of the owner's Historic Resource Report required by subsection (C)(3) above, as such completion shall be certified complete by the Community Development Director. The applicant/owner shall be provided with not less than fifteen (15) days prior written notice of the Commission hearing, which notice shall contain the information required by state Government Code Section 65094, as currently enacted or hereinafter amended provided that such notice period may be less with the owner's specific written consent.

In deciding whether to approve the City's issuance of a building permit for a partial demolition pursuant to this subsection (D)(2), if the Commission decides that the permit may be issued, the Commission may impose appropriate historic preservation mitigation measures in connection with the issuance of the permit and may also elect to list the altered structure, site, or feature as a Potential City Historic Resource or to designate it as a Structure of Merit or to recommend its designation as a City Landmark by the City Council pursuant to the designation requirements of this Chapter.

When deciding an application for a permit for a partial demolition pursuant to this subsection (D)(2), if the Commission declines to issue such a permit altogether, it shall concurrently act to either designate the structure, site, or feature as a City Structure of Merit or to adopt a resolution of intention recommending its designation as a City Landmark by the City Council pursuant to the Landmark designation requirements of this Chapter.

In considering whether to designate the structure, site or feature a City Landmark, the City Council, if it elects not to designate the structure, site, or feature as a City Landmark, may approve the issuance of the requested permit with those historic preservation mitigation measures deemed appropriate by the Council, which conditions may include the designation of the altered structure as a Structure of Merit.

E. **FAILURE TO ACT WITHIN A TIMELY MANNER.** Should the Commission fail to act to designate a structure, site, or feature for which a demolition application has been made and deemed complete and which has been referred to the Commission pursuant to subsection (C)(3) of Section 22.22.035 above as a Structure of Merit, or should the Commission fail to recommend the City Council designate a structure, site or feature as a City Landmark as required by this Section, the demolition application shall be deemed approved and shall be issued by City staff without additional conditions except those related to compliance with other Municipal Code requirements. (Ord. 5333, 2004.)

22.22.037 Demolition of a Listed Historic Structure.

A. **GENERALLY.** No building permit shall be issued for the demolition (as defined in this Chapter) of a structure, site, or natural feature listed on the City's Potential Historic Resources List except upon the completion of a review of the application by the Commission and except upon the imposition of appropriate and necessary measures designed by the Commission to mitigate any potential for loss of Historic Resources.

Such Commission review shall be conducted in accordance with the resource preservation criteria and process established in the MEA Historic Resource Guidelines.

B. **AUTHORITY TO PROHIBIT THE DEMOLITION OF A POTENTIAL CITY HISTORIC RESOURCE.** The Commission may appropriately condition the demolition or partial demolition of a structure, site, or natural feature listed on the Potential Historic Resources List as necessary to mitigate the potential loss of Historic Resources resulting from the demolition or partial demolition. However, the Commission may not deny an application to partially or completely demolish a listed structure, natural feature, or site unless the Commission undertakes one of the following actions: 1. initiates and completes the designation of the structure, natural feature, or site as a City Structure of Merit, or 2. the Commission adopts a resolution of intention recommending the designation of the structure, site, or feature as a City Landmark to the City Council pursuant to the Landmark designation processes and notice requirements established by this Chapter.

C. **FAILURE OF THE COMMISSION TO DESIGNATE IN A TIMELY FASHION; STANDARD DEMOLITION CONDITIONS.** The failure of the Commission to make a Structure of Merit designation (or to initiate a Landmark designation to the City Council in the case of a Landmark) in connection with the denial of a partial or complete demolition application for a structure, feature, or site covered by this Section within sixty (60) days of the completion of the City's environmental review of the application shall be deemed an approval of the permit without permit conditions concerning the mitigation of the loss of Historic Resources, except for those standard mitigation measures identified in the MEA Historic Resource Guidelines as being appropriate for the loss of a listed structure, site, or feature, and except for those conditions necessary for compliance with other Municipal Code building permit requirements.

D. **MINOR ALTERATIONS TO POTENTIAL HISTORIC RESOURCES.** Notwithstanding subsection (A) hereof, nothing herein shall be deemed to require HLC review of all building permit applications for alterations to a property listed on the Potential Historic Resources List except for those alterations which otherwise require the issuance of a building permit and which, in the determination of the Community Development Director, constitute a "demolition" as that term is defined in this Chapter.

In addition, certain exterior alterations to a potentially significant Historic Resource (as listed on the Potential Historic Resources List) which require the issuance of a building permit may be approved by the Community Development Director on an administrative basis pursuant to the processes established in Section 22.22.030(G) [the Historic Resource Administrative Regulations] if, in the prior written determination of the Community Development Director, the proposed alteration will not substantially and adversely alter the structure's appearance or remove a character-defining feature of the structure, site or natural feature. Such administrative review shall be in the sole discretion of the Community Development Director and, if necessary, may be referred to the HLC for a determination of whether any particular application may constitute a substantial and adverse alteration to the structure, site, or feature necessitating formal review of the application by the HLC. (Ord. 5333, 2004.)

22.22.040 Criteria for Designation of Landmarks and Structures of Merit.

In considering a proposal to recommend to the City Council any structure, natural feature, site or area for designation as a Landmark or, in designating a City Structure of Merit, the Commission shall utilize any or all of the following criteria and considerations:

- A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;
- B. Its location as a site of a significant historic event;
- C. Its identification with a person or persons who significantly contributed to the culture and development of the City, the State or the Nation;
- D. Its exemplification of a particular architectural style or way of life important to the City, the State or the Nation;
- E. Its exemplification of the best remaining architectural type in a neighborhood;

F. Its identification as the creation, design or work of a person or persons whose effort has significantly influenced the heritage of the City, the State or the Nation;

G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship;

H. Its relationship to any other landmark if its preservation is essential to the integrity of that landmark;

I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

J. Its potential of yielding significant information of archaeological interest;

K. Its integrity as a natural environment that strongly contributes to the well-being of the people of the City, the State or the Nation. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3900 §1, 1977.)

22.22.050 Procedure for Designation of a Landmark.

Upon its own initiative or upon the application of any person or entity (hereinafter referred to as the "applicant") the Commission may recommend to the City Council the designation as a landmark of any structure, natural feature, site or area (hereinafter referred to as the "property") having historic, architectural, archaeological, cultural or aesthetic significance. The procedure for designation of any landmark is as follows:

A. The Commission may adopt a resolution of intention announcing its intention to consider recommendation of the property to the City Council for designation as a landmark.

B. No later than thirty-five (35) days from the date of such resolution of intention, the Commission shall conduct a public hearing on the proposed designation, at which hearing any interested party shall be provided a reasonable opportunity to be heard. In the absence of timely oral or written objection by any interested party, such public hearing may be continued to subsequent meetings of the Commission.

C. Prior to the Commission's public hearing on the proposed designation, notice of the time, place and purpose of the hearing shall be given at least ten (10) days prior to the date of the hearing by publication at least once in a newspaper of general circulation within the City, and, at least ten (10) days prior to the date of the hearing, by first class mail to the applicant, to the owner or owners of the property, and to the owners of abutting properties, as the ownership of such properties is listed on the last equalized assessment roll for the County of Santa Barbara.

D. Upon the completion of the properly noticed public hearing on the proposed designation, the Commission shall adopt a resolution to either recommend designation of the property as a landmark or to deny such a designation, no later than the next regularly scheduled meeting following the public hearing. However, in the absence of timely oral or written objection by any interested party, adoption of any such resolution may be continued to subsequent meetings of the Commission. The resolution shall be reduced to writing and shall contain specific findings by the Commission to recommend the designation or to deny the designation, as the case may be. Upon adoption of a resolution to deny recommendation, consideration of the proposal for designation shall terminate in the absence of a timely appeal to the City Council.

E. After receipt of a resolution of recommendation for designation from the Commission, the City Council shall consider the recommendation pursuant to Section 22.22.055.

F. An appeal from a decision rendered by the Commission under Section 22.22.050.D may be filed pursuant to Section 22.22.170. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3900 §1, 1977.)

22.22.055 Procedure for Resolution of Designation of a Landmark by City Council.

A. **PROCEDURE FOR ADOPTION OF RESOLUTION OF DESIGNATION.** Upon receipt of a resolution of recommendation for designation from the Historic Landmarks Commission or an appeal of a denial in accordance with the requirements of Section 22.22.170, and after completion of a public hearing in accordance with the following procedures, the City Council may designate any structure, natural feature, site or area as a Landmark by adopting a resolution of designation as follows:

1. At its next regular City Council meeting for which an agenda has not been finalized, the City Council shall set a date for a public hearing thereon to consider the Commission's resolution of recommendation or an appeal of a resolution of denial.

2. Notice of the time, place and purpose of the hearing shall be given at least ten (10) days prior to the date of the hearing by publication at least once in a newspaper of general circulation within the City and by first class mail to any applicant, the owner or owners of the property, and to abutting property owner(s) as such ownership is listed on the last equalized assessment roll for Santa Barbara County.

3. A public hearing on the recommendation for designation shall be held on the date designated, at which hearing any interested party shall be provided a reasonable opportunity to be heard.

4. Upon the City Council's adoption of a resolution of designation as a Landmark, the City Clerk shall cause such resolution of designation to be recorded against the property in the Office of the Recorder of the County of Santa Barbara within sixty (60) days of the City Council's adoption of the resolution of designation.

B. **FAILURE TO ADOPT WITHIN NINETY (90) DAYS.** If the City Council does not act to adopt a resolution of designation within ninety (90) days after a resolution of recommendation of designation from the Historic Landmarks Commission is received by the City Clerk, designation of the property as a landmark shall be deemed to be denied. (Ord. 5333, 2004; Ord. 4848, 1994.)

22.22.070 Repair and Maintenance of Landmarks and Structures of Merit.

Every Landmark and Structure of Merit shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this chapter shall be construed so as to prohibit ordinary and necessary maintenance and repair of a Landmark provided that whenever such repair or maintenance would result in an alteration to the exterior of the structure or whenever it would require the issuance of a City building permit, the issuance of such a permit shall be reviewed by the Commission and, if necessary, conditioned in accordance with the requirements of this Chapter, provided that such review shall be consistent with the Landmark alteration review authority granted by Section 817(c) of the City Charter and Section 22.22.080 hereof. Every Landmark or Structure of Merit is hereby determined to be eligible for application of alternative standards for historical structures as provided in the Building Codes of the City of Santa Barbara. (Ord. 5333, 2004; Ord. 3900 §1, 1977.)

22.22.080 Demolition, Relocation, or Alteration of a Landmark.

A. ALTERATIONS TO A CITY LANDMARK – REQUIRED FINDINGS. No City Landmark shall be altered on the exterior, relocated, or demolished, except where the Historic Landmarks Commission has determined that one or more of the following findings are applicable to the proposed alteration, relocation, or demolition:

1. The exterior alterations are being made primarily for the purposes of restoring the Landmark to its original appearance or in order to substantially aid in the preservation or enhancement of the Landmark.
2. The relocation of the Landmark will substantially aid its long-term preservation or enhancement.
3. The landmark has been damaged by an earthquake, fire, or other similar natural casualty such that its repair or restoration is not reasonably practical or feasible and specific measures have been imposed as pre-conditions on the demolition, which measures mitigate the loss of the Landmark to a less than significant level or which measures are deemed sufficient to warrant a finding of overriding considerations pursuant to the CEQA.

B. ISSUANCE OF AN APPROVAL FOR THE RELOCATION, DEMOLITION, OR ALTERATION OF A CITY LANDMARK. In issuing an approval for the alteration of a City Landmark pursuant to this Section, the Commission shall make one or more of the findings required by Subsection (A) hereof in addition to imposing mitigation measures as conditions of approval consistent with such findings.

C. ALTERATIONS TO A PROPOSED LANDMARK. No structure, natural feature, or site recommended for designation as a Landmark pursuant to Section 22.22.050 hereof shall be altered on the exterior, relocated, or demolished after adoption by the Commission of a resolution of intention for such designation, except pursuant to the requirements of this Section.

D. APPEALS TO THE CITY COUNCIL. A final decision made by the Historic Landmarks Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Santa Barbara Municipal Code Chapter 1.30. Any decision by the City Council on appeal pursuant to this Section shall comply with the finding requirements of Subparagraph (A) hereof as well as the applicable requirements and provisions of the California Environmental Quality Act. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 4029, 1979; Ord. 3900 §1, 1977.)

22.22.085 Designation of Structures of Merit.

A. DESIGNATIONS. The City has established the Structure of Merit designation in order to encourage the preservation of the City's historic and architecturally significant structures, sites, or features under circumstances where such buildings and sites do not rise to the level of a City Landmark. The Commission may designate as a Structure of Merit any structure not designated as a Landmark but deserving of official City recognition as having historic, architectural, archaeological, cultural or aesthetic significance.

B. CRITERIA FOR STRUCTURE OF MERIT DESIGNATION. In considering a proposal for designation of a Structure of Merit, the Commission shall apply the considerations and criteria provided for Landmarks in Section 22.22.040 of this Chapter. Some of the determining factors in the appropriateness of a Structure of Merit designation rather than a City Landmark designation are the following: 1. the amount of eligibility criteria found applicable; 2. the level of original structural or historical integrity of the Historic Resource; and, 3. the quality or number of resources of this type remaining within the City.

C. NOTICE OF INTENT TO DESIGNATE A STRUCTURE OF MERIT. Except for those structures, sites or features designated Structures of Merit pursuant to the demolition regulations of Section 22.22.035 and Section 22.22.037, prior to taking action to designate a structure as a City Structure of Merit, the Commission shall adopt a resolution of intention announcing its intention to consider such a designation at a hearing to be held not less than seventy five (75) days after the adoption of the Resolution, unless the owner of the property proposed for designation consents in writing to a lesser period of notice. Prior to conducting the public hearing required by this subsection for the designation of an identified structure, site, or feature, the owner(s) of the real property upon which the structure or feature is located (as such ownership is listed on the last equalized County of Santa Barbara Assessment Roll) shall be provided with a copy of the Commission resolution and a written notice of the Commission hearing by depositing a notice thereof in the regular United States Mail not less than sixty (60) days prior to the scheduled hearing date. Such notice shall, at a minimum, contain the notice information required by state Government Code Section 65094, as currently enacted or hereinafter amended.

D. **HEARING OF STRUCTURE OF MERIT DESIGNATION.** At the scheduled Commission hearing, the property owner or owner's representative and the City staff shall be entitled to present relevant evidence, both oral and written, to establish whether the structure has appropriate potential for possible designation as a City Historic Resource. Upon completion of the public hearing, the Commission shall vote to adopt or to not adopt a resolution of the Commission designating the structure, site or feature as a City Structure of Merit.

E. **APPEALS TO THE CITY COUNCIL.** A final decision made by the Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Santa Barbara Municipal Code Chapter 1.30.

F. **RECORDATION OF RESOLUTION OF DESIGNATION.** Upon the Commission's adoption of a resolution of designation as a City Structure of Merit (or upon a final decision of the City Council on an appeal of such a designation), the Community Development Director shall cause such resolution of designation to be recorded with respect to the real property thereof in the Office of the Recorder of the County of Santa Barbara within sixty (60) days of the Commission's adoption of the resolution of designation. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3900 §1, 1977.)

22.22.090 Demolition, Relocation, or Alteration of a Structure of Merit.

A. **ALTERATIONS TO A STRUCTURE OF MERIT – REQUIRED FINDINGS.** No Structure of Merit shall be altered on the exterior, relocated, or demolished except where the Historic Landmarks Commission has made one or more of the following findings:

1. The exterior alterations are being made for the purposes of restoring the Structure of Merit to its original appearance or in order to substantially aid its preservation or enhancement as a Historic Resource.

2. The relocation of the Structure of Merit will substantially aid in its long-term preservation or enhancement as a Historic Resource.

3. The Structure of Merit has been damaged by an earthquake, fire, or other similar casualty such that its repair or restoration is not reasonably practical or economically feasible and specific measures have been imposed as pre-conditions on the demolition or alterations, which measures mitigate the potential for adverse historic resource impacts resulting from loss of the Structure to a less than significant level or which measures are sufficient to warrant a finding of overriding considerations pursuant to the CEQA.

4. The Commission has determined that the preservation of the Structure of Merit is not economically feasible or that the demolition of a Structure of Merit is warranted in order to avoid or lessen the economic hardship to the Owner, and the Commission has conditioned the issuance of a City demolition permit upon specific measures which will mitigate the potential for adverse historic resource impacts resulting from the demolition of the Structure of Merit to a less than significant level or such measures are sufficient to warrant a finding of overriding considerations pursuant to the CEQA.

5. The Commission has determined that the proposed changes to the Structure of Merit do not constitute a demolition as defined by this Chapter and constitute alterations which are not incompatible with the goal of long-term preservation or enhancement of the Structure as a City Historic Resource.

B. **ISSUANCE OF PERMITS FOR RELOCATION, DEMOLITION, OR ALTERATION OF A CITY STRUCTURE OF MERIT.** An application for a permit to alter on the exterior, relocate, or demolish any City Structure of Merit shall be referred to the Historic Landmarks Commission for its review, approval, approval with conditions, or denial prior to the issuance of such a permit along with any environmental review deemed appropriate under CEQA. Such Commission review, in addition to determining that the proposed changes are appropriate and compatible with the historic resource, shall be for the purposes of determining the potential for loss of resources of historic significance and be conducted in the manner provided for in the City's MEA Historic Resource Guidelines and the California Environmental Quality Act. In issuing such a permit, the Commission shall make one or more of the findings required by subsection (A) hereof.

Should the Commission deny the issuance of a demolition permit for a Structure of Merit, concurrent with such a denial, the Commission shall initiate the procedures called for in SBMC Section 22.22.050 to adopt a resolution of intention announcing its intention to make a recommendation that the site, structure or feature be designated a City Landmark and forwarding such resolution of recommendation to the City Council for action by the Council in accordance with this Chapter.

C. **APPEALS TO THE CITY COUNCIL.** A final decision made by the Historic Landmarks Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Santa Barbara Municipal Code Chapter 1.30. Any decision by the City Council on appeal pursuant to this Section shall comply with the finding requirements of Subparagraph (A) hereof as well as the applicable requirements and provisions of the California Environmental Quality Act.

D. **DENIAL OF A DEMOLITION PERMIT BY THE CITY COUNCIL.** In the event that the City Council, on an appeal pursuant to subsection (C) hereof, declines to authorize the issuance of a demolition permit for a Structure of Merit (either with or without mitigating conditions), the Council shall, within forty five (45) days of such a Council determination, adopt a Resolution of Intention announcing its intention to designate such Structure of Merit as a City Landmark in accordance with the Landmark designation requirements of this Chapter and, thereafter, to preclude its demolition except under the limited circumstances of Section 22.22.080.

Should the City Council fail to act to designate the structure, site, or feature as a City Landmark within the time period required by Section 22.22.055, a demolition permit shall be issued within thirty (30) days of the expiration of the time within which the Council may act, provided that prior to the Building Official's issuance of such a permit, appropriate mitigation conditions (and as determined by environmental review) may be imposed on the permit by the City Building Official as such conditions may be recommended to the Official by the Commission during the thirty (30) day period. (Ord. 5333, 2004.)

22.22.092 Bed and Breakfast Inns in Designated Historic Structures.

Plans for conversion of an existing Structure of Merit or a Landmark in the R-O Restricted Office Zone into a Bed and Breakfast Inn, or for alterations to such structures for this purpose, or for construction of new structures to be used for this purpose on a lot on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is located, shall be submitted to the Historic Landmarks Commission for review and action, in accordance with this chapter. (Ord. 4848, 1994; Ord. 4697, 1991.)

22.22.100 El Pueblo Viejo Landmark District.

A. **PURPOSE.** The purpose of the El Pueblo Viejo Landmark District is to preserve and enhance the unique historic and architectural character of the central core area of the City of Santa Barbara, which developed around the Royal Presidio, founded in 1782, and which contains many of the City's important historic and architectural landmarks. In addition to the preservation of those landmarks as provided in this chapter, that purpose is to be achieved by regulating the compatibility of architectural styles used in the construction of new structures and the exterior alteration of existing structures within a designated area, which includes the scenic entrances to the central core area of the City, in order to continue and perpetuate the City of Santa Barbara's renowned tradition of Hispanic architecture.

B. **DESIGNATION.** The following described area within the City of Santa Barbara is hereby designated as a landmark district and shall be known as "El Pueblo Viejo":

Part I

Beginning at the intersection of State Street with Mission Street; thence southeasterly along State Street to its intersection with Sola Street; thence northeasterly along Sola Street to its intersection with Laguna Street; thence southeasterly along Laguna Street to its intersection with Ortega Street; thence southwesterly along Ortega Street to its intersection with State Street; thence southeasterly along State Street to its intersection with East Cabrillo Boulevard; thence northeasterly along East Cabrillo Boulevard to its intersection with Santa Barbara Street; thence northwesterly along Santa Barbara Street to its intersection with the extension of Garden Street; thence northwesterly along the extension of Garden Street to U.S. Highway 101; thence returning southwesterly along Garden and Santa Barbara Streets to the intersection of Santa Barbara Street with East Cabrillo Boulevard; thence northeasterly along East Cabrillo Boulevard to its intersection with U.S. Highway 101; thence returning along Cabrillo Boulevard to its intersection with Castillo Street; thence northwesterly along Castillo Street to its intersection with U.S. Highway 101; thence returning southeasterly along Castillo Street to its intersection with Cabrillo Boulevard; thence returning northeasterly along West Cabrillo Boulevard to its intersection with Chapala Street; thence northwesterly along Chapala Street to its intersection with Carrillo Street; thence southwesterly along Carrillo Street to its intersection with U.S. Highway 101; thence northeasterly along Carrillo Street to its intersection with Chapala Street; thence northwesterly along Chapala Street to its intersection with Sola Street; thence northeasterly along Sola Street to its intersection with State Street; thence northwesterly along State Street to its intersection with Mission Street; said intersection being the point of beginning.

Part II

Beginning at the intersection of Los Olivos Street and Laguna Street; thence southwesterly along Los Olivos Street to its intersection with Garden Street; thence northwesterly along Garden Street to its intersection with the southerly prolongation of a line bearing N. 03°16'40"W. as shown in Assessor's Map Book 51, page 15, County of Santa Barbara, dated 1960; thence northerly along said line to its intersection with a line bearing N.29°11'W.; thence northwesterly along said line to its intersection with the boundary line of the City of Santa Barbara; thence beginning northeasterly and continuing along said boundary line to its intersection with the northerly prolongation of Mission Ridge Road; thence southerly and westerly along Mission Ridge Road to a line bearing N.03°W., said line being the westerly line of Mission Ridge Road and the easterly boundary line of Parcel 19-071-10 shown in Assessor's Map Book 19, page 07, County of Santa Barbara, dated 9/73; thence along a straight line southwesterly to the intersection of Plaza Rubio and Emerson Avenue; thence southwesterly along Plaza Rubio to its intersection with Laguna Street; thence northeasterly along Laguna Street to its intersection with Los Olivos Street, said intersection being the point of beginning.

The El Pueblo Viejo Landmark District shall include all properties located within the area described in this section, and all properties fronting on either side of any street or line forming the boundary of such area; except that the following areas shall be excluded:

1. Stearns Wharf;
2. areas located within the Brinkerhoff Avenue Landmark District; and
3. that area south of West Cabrillo Boulevard and to the west of a point one-hundred-and-fifty (150) feet east of an imaginary extension of Bath Street at its same course. (Ord. 4729, 1991; Ord. 4237, 1983; Ord. 4177, 1982; Ord. 4175, 1982; Ord. 3900 §1, 1977; Ord. 3888, 1977.)

22.22.102 Map.

The areas described in Section 22.22.100 are shown on the map(s) labeled "El Pueblo Viejo Landmark District". All notations, references and other information shown on said map(s) are incorporated by reference herein and made a part hereof. In the event of variance between the map and the written description contained in Section 22.22.100, the written description shall prevail. (Ord. 4175, 1982; Ord. 3900 §1, 1977.)

22.22.104 Required Architectural Styles.

A. ALTERATIONS TO STRUCTURES WITHIN EL PUEBLO VIEJO.

1. **Generally.** Any structure hereafter constructed or altered as to its exterior appearance and located within El Pueblo Viejo Landmark District shall, as to its exterior architecture, be compatible with the Hispanic tradition as it has developed in the City of Santa Barbara from the later 18th century to the present, with emphasis on the early 19th century "California Adobe" and "Monterey Revival" styles, and the "Spanish Colonial Revival" style of the period from 1915 to 1930. Examples of these styles are:

- a. Hill-Carrillo Adobe ("California Adobe").
- b. De la Guerra Adobe ("California Adobe").
- c. Covarrubias Adobe ("California Adobe").
- d. Mihran Studios ("Monterey Revival").
- e. Arlington Theatre ("Spanish Colonial Revival").
- f. Santa Barbara County Courthouse ("Spanish Colonial Revival").
- g. El Paseo ("Spanish Colonial Revival").
- h. Lobero Theatre ("Spanish Colonial Revival").

2. **Alterations Within El Pueblo Viejo.** Notwithstanding subsection (A)(1) hereof, alterations to existing structures within the El Pueblo Viejo Landmark District may also be permitted by the Commission under the following circumstances:

a. The Commission determines that the owner of the existing structure is proposing alterations or additions to the structure that match the original architectural style and such alterations or additions do not significantly alter the structure; and

b. The Commission determines that the alteration or addition would be more compatible with the existing structure by matching and maintaining the existing architectural style which demonstrates outstanding attention to architectural design, detail, material, or craftsmanship.

B. LANDMARKS AND STRUCTURES OF MERIT. A designated Landmark or Structure of Merit not conforming to any of the architectural styles required in Sections 22.22.100(A.) and 22.22.104(A.) of this Chapter may be altered on the exterior for the purpose of restoration of its original appearance, or to substantially aid its preservation or enhancement, in its particular architectural style, with the prior written approval of the Commission or City Council under Section 22.22.170.

C. OUTDOOR LIGHTING. Any structure hereafter constructed or altered as to its exterior appearance and located within El Pueblo Viejo Landmark District shall comply with the applicable requirements of Chapter 22.75 as to its outdoor lighting, and with the City's Outdoor Lighting Design Guidelines. (Ord. 5333, 2004; Ord. 5035, 1997; Ord. 4848, 1994; Ord. 4729, 1991; Ord. 4175, 1982; Ord. 3900 §1, 1977.)

22.22.110 Brinkerhoff Avenue Landmark District.

A. PURPOSE. The purpose of the Brinkerhoff Avenue Landmark District is to preserve and enhance the historic and architectural character of the Brinkerhoff Avenue area of the City of Santa Barbara, which is a unique neighborhood of late 19th century and early 20th century structures. That purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures in conformance with their original, significant architectural qualities, in order to continue and perpetuate examples of this important era in Santa Barbara's history.

B. DESIGNATION. The following described area within the City of Santa Barbara is hereby designated as a landmark district and shall be known as "Brinkerhoff Avenue Landmark District":

Assessor's Parcel Nos. 37-122-09, 37-122-17, 37-123-12, 37-123-13, 37-162-01 through 37-162-12, 37-163-01, 37-163-02, 37-163-09 through 37-163-20, 37-203-02 and 37-203-03 as shown on pages 12 (3/72), 16 (3/70) and 20 (L/D) in Assessor's Map Book 37 for the County of Santa Barbara.

The Brinkerhoff Avenue Landmark District shall include all properties located within the above described area and those portions of streets fronting on those parcels as shown on the attached map labeled "Brinkerhoff Avenue Landmark District." (Ord. 4237, 1983; Ord. 4175, 1982; §22.22.110 as adopted by Ord. 3900 was renumbered to §22.22.102 by Ord. 4175, 1982; Ord. 3900, §1, 1977; Ord. 3888, 1977.)

22.22.112 Map.

The area described in Section 22.22.110 is shown on the map labeled "Brinkerhoff Avenue Landmark District." All notations, references and other information shown on said map are incorporated by reference herein and made a part hereof. (Ord. 4175, 1982.)

22.22.114 Required Architectural Styles.

A. **BRINKERHOFF ARCHITECTURAL STYLE.** Any structure hereafter constructed or altered as to its exterior appearance and located within Brinkerhoff Avenue Landmark District shall, as to its exterior architecture, be compatible with the late 19th century and early 20th century tradition as it developed in the Santa Barbara area, with emphasis on the "Italianate," "Eastlake," "Colonial Revival," and "Queen Anne" styles. Examples of these styles are:

1. Hernster House, 136 W. Cota Street ("Italianate")
2. Tallant House, 528 Brinkerhoff Avenue ("Eastlake" "Stick")
3. Ross House, 514 Brinkerhoff Avenue ("Queen Anne/Colonial Revival")
4. 501 Chapala Street ("Queen Anne")

B. **LANDMARKS AND STRUCTURES OF MERIT.** A designated landmark or structure of merit located within Brinkerhoff Avenue Landmark District and not conforming to any of the architectural styles required in Sections 22.22.110(A.) and 22.22.114(A.) of this chapter may be altered on the exterior for the purpose of restoration of its original appearance, or to substantially aid its preservation or enhancement, in its particular architectural style with the prior written approval of the Commission or City Council under Section 22.22.170. (Ord. 4848, 1994; Ord. 4729, 1991; Ord. 4175, 1982.)

22.22.120 Riviera Campus Historic District.

A. **PURPOSE.** The purpose of the Riviera Campus Historic District is to preserve and enhance the historic and architectural character of the Riviera Campus in the City of Santa Barbara, which is comprised of the historic campus of the Santa Barbara Normal School of Manual Arts and Home Economics, which later became the University of California at Santa Barbara. That purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures in conformance with their original, significant architectural qualities, in order to continue and perpetuate the preservation of this valued feature of the City's built environment.

B. **DESIGNATION.** The area within Specific Plan No. 7 (Riviera Campus) within the City of Santa Barbara is hereby designated as a historic district and shall be known as "Riviera Campus Historic District." The Riviera Campus Historic District shall include all properties located within the above-described area and those portions of streets fronting on those parcels as shown on the attached map labeled "Riviera Campus Historic District."

C. REQUIRED ARCHITECTURAL STYLES.

1. Any structure hereafter constructed or altered as to its exterior appearance and located within Riviera Campus Historic District shall, as to its exterior architecture, be compatible with the Spanish Colonial Revival and Spanish Eclectic architecture of the extant buildings on the Riviera Campus. Examples of these styles are:

- a. The Quadrangle Building, 2030 Alameda Padre Serra ("Spanish Eclectic")
- b. The Grand Stairway, 2030 Alameda Padre Serra ("Spanish Eclectic")
- c. Furse Hall, 2040 Alameda Padre Serra ("Spanish Colonial Revival")
- d. Ebbets Hall, 2020 Alameda Padre Serra ("Spanish Colonial Revival")

D. **LANDMARKS AND STRUCTURES OF MERIT.** A designated landmark or structure of merit located within Riviera Campus Historic District, and not conforming to any of the architectural styles required in Subsections A and C of this Section, may be altered on the exterior for the purpose of restoration of its original appearance, or to substantially aid its preservation or enhancement, in its particular architectural style with the prior written approval of the Commission or City Council under Section 22.22.170. (Ord. 5319, 2004.)

22.22.130 El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District.

A. **APPROVAL FOR CONSTRUCTION, DEMOLITION, MOVING OR EXTERIOR ALTERATION.** No structure or real property in El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark District shall be constructed, demolished, moved or altered on its exterior without the approval of the Commission or City Council upon appeal. Minor alterations specified in the Historic Landmarks Commission Rules and Procedures, adopted from time to time by resolution, may be allowed subject to the review of the Community Development Director or his/her representative.

B. PROCEDURE. Any application for an approval or permit to construct, demolish, move or alter the exterior of any structure or real property located within El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark District, together with plans, elevations and site plans therefore, shall be referred to the Commission for review. A permit shall not be issued without the prior written approval of the Commission or City Council upon appeal. Any change of the exterior color or the outdoor lighting of any structure shall be referred to the Commission for review. If a building permit is not required, there shall not be any exterior alteration or change of exterior color unless there has been a final written approval of the Commission, where required, or the City Council upon appeal. The Commission or City Council on appeal shall not approve issuance of such permit unless the plans conform to the provisions of this Chapter. Any application shall be considered and either approved or disapproved by the Commission at its next regularly scheduled meeting for which an agenda has not been finalized after completion of any required environmental assessment, but may be continued to the next regular meeting. In the absence of timely oral or written objection by the applicant, the Commission may continue consideration of an application to subsequent meetings. In the event an applicant objects to continuance by the Commission and if the Commission takes no action on the application, then the application shall be deemed approved.

C. SIGN PERMITS. Signs which have been approved by the Sign Committee or the Commission or City Council upon appeal and for which a valid permit has been issued by the City shall not require a permit or approval under this section. Applications for permits for signs to be erected or altered within El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District shall be considered by the Commission only upon an appeal filed pursuant to Section 22.70.050.I. (Ord. 5035, 1997; Ord. 4995, 1996; Ord. 4916, 1995; Ord. 4893, 1994; Ord. 4878, 1994; Ord. 4848, 1994; Ord. 4175, 1982; Ord. 4111, 1981; Ord. 4101, 1981; Ord. 4029, 1979; Ord. 3900, §1, 1977.)

22.22.131 Neighborhood Preservation Ordinance Findings.

The Historic Landmarks Commission shall find that all of the following criteria are met prior to approving any application subject to review because it satisfies the Neighborhood Preservation applicability standards of Chapter 22.68 Subsection 22.68.040.B or the property is located within the Hillside Design District [see Subsection 22.68.110.A.2 of Chapter 22.68]. Findings are not required if the application satisfies an exception per Chapter 22.68 Subsection 22.68.045.B or C.

A. The public health, safety and welfare will be protected.

B. The grading and development will be appropriate to the site, have been designed to avoid visible scarring, and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.

C. The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum trunk diameter of four inches (4") measured four feet (4') from the base of the trunk. Any specimen tree, skyline tree, or oak tree with a diameter of four inches (4") or more at four feet (4') above natural grade that must be removed will be replaced on a one-to-one basis, at a minimum. Designated Specimen, Historic and Landmark trees will not be removed.

D. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood.

E. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.

F. The development will preserve significant public scenic views of and from the hillside.
(Ord. 4995, 1996.)

22.22.132 Historic Landmarks Commission Notice and Hearing.

A. PUBLIC HEARING. The Historic Landmarks Commission shall hold a public hearing prior to taking action on any project described in Paragraph B of this Section. Not less than ten calendar days before the date of the public hearing, the City shall cause notice of the right to appear and be heard; the date, time and place of the hearing; the location of the property; and the nature of the request to be sent by first class mail to the applicant and to the current record owner of any lot, or any portion of a lot, which is located not more than one hundred feet from the exterior boundaries of the lot which is the subject of the action. In addition to the required manners of notice specified above, the City may also require notice of the hearing in any other manner it deems necessary or desirable, including, but not limited to, posted notice on the project site. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

Whenever a project requires another land use action by Council or by an Advisory Board, Staff Hearing Officer or Commission, the mailed notice of the first concept review hearing before the Historic Landmarks Commission shall comply with the notice requirements of this Section or the notice requirements for the other land use action, whichever are greater. However, nothing in this Section shall require either: 1. notice of the hearing before the Historic Landmarks Commission to be published in a newspaper or 2. mailed notice of hearings before the Historic Landmarks Commission after the first concept review hearing.

B. PROJECTS THAT REQUIRE PUBLIC HEARING. Projects which must be preceded by a public hearing prior to Historic Landmarks Commission action are:

1. New single residential units or one story duplex units,

2. Additions of over 500 square feet or a new story to a single residential unit or one story duplex unit,
3. New multi-unit residential buildings or two story duplex units,
4. Additions of over 500 square feet or changes resulting in an additional residential unit in a multi-unit residential building,
5. Small non-residential additions as defined in Chapter 28.87,
6. Projects involving substantial grading or exterior lighting, or
7. Projects that would not otherwise require mailed notice and that in the judgment of the Historic Landmarks Commission or the Community Development Director could result in a significant or substantial deprivation of private property rights of other landowners.

C. **PIECEMEAL PROJECTS REQUIRE HEARING.** All applications for grading permits, building permits, or any other permit for the same site, if submitted to the City within two years of any prior application date, are included in the calculations to determine whether a project meets the criteria in Subsection B of this Section. (Ord. 5380, 2005; Ord. 4995, 1996.)

22.22.133 Historic Landmarks Commission Referral of Residential Projects to Planning Commission.

A. **PLANNING COMMISSION APPROVAL.** Applications for residential development covered by this Chapter shall be reviewed and approved, disapproved or conditionally approved by the Planning Commission, in accordance with any standards set forth by Council Resolution, prior to final Historic Landmarks Commission action on the application whenever:

1. The project requires the preparation of an environmental impact report ("EIR") pursuant to the California Environmental Quality Act; or
2. Any portion of the site is located within the Hillside Design District and the floor area of all existing and proposed structures exceeds a cumulative total of six thousand five hundred (6,500) square feet; or
3. Any portion of the site is located within the Hillside Design District and the amount of grading exceeds five hundred (500) cubic yards of grading (cut and/or fill) on the lot excluding grading necessary for the building foundation for the main buildings.

The Planning Commission shall find that the criteria set forth in Section 22.22.131 are met prior to approving any application reviewed under this Subsection.

B. **PLANNING COMMISSION COMMENTS.** When the Historic Landmarks Commission determines that a project is proposed for a site which is highly visible to the public, the Commission may, prior to taking final action on the application, require presentation of the application to the Planning Commission solely for its comments to the Historic Landmarks Commission.

C. **PLANNING COMMISSION NOTICE AND HEARING.** The Planning Commission, or the City Council on appeal, shall hold a public hearing prior to taking any action on a project subject to its review and approval or comments under this Section. Not less than ten calendar days before the date of the public hearing, the City shall cause notice of the right to appear and be heard; the date, time and place of the hearing; the location of the property; and the nature of the request to be sent by first class mail to the current record owner of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. In addition to the required manners of notice specified above, the City may also require notice of the hearing in any other manner it deems necessary or desirable, including, but not limited to, posted notice on the project site. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given. (Ord. 5380, 2005; Ord. 4995, 1996.)

22.22.135 Application Fee.

Applications submitted pursuant to Section 22.22.130 shall be accompanied by an application fee in the amount established by resolution of the City Council. (Ord. 3955 §7, 1978.)

22.22.140 Publicly Owned Property.

A. **PUBLICLY OWNED BUILDINGS GENERALLY.** Except as provided in Subsections (B) and (C) below, any structure, natural feature, site or area owned or leased by any public entity and designated as a Landmark or Structure of Merit, or located within any landmark district, shall not be subject to the provisions of Sections 22.22.070, 22.22.080, 22.22.104, 22.22.114, 22.22.130, and 22.22.170 of this Chapter.

B. **EXCEPTION FOR CITY FACILITIES.** The alteration, construction or relocation of any structure, natural feature, site or area owned or leased by the City and designated as a Landmark or Structure of Merit, or located within any landmark district, shall be reviewed by the Commission unless the City Council deems that said review would not be in the public interest.

C. EXCEPTION FOR IMPROVEMENTS WITHIN THE HIGHWAY 101 SANTA BARBARA COASTAL PARKWAY DESIGN DISTRICT. The alteration, construction or relocation of any structure, natural feature, site or area owned or leased by a public entity within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Municipal Code Section 22.68.110, which requires a Coastal Development Permit pursuant to Municipal Code Section 28.45.009 and which is designated as a Landmark or Structure of Merit, or which is located within any landmark district shall be reviewed by the Commission. (Ord. 5333, 2004; Ord. 4940, 1996; Ord. 4848, 1994; Ord. 4175, 1982; Ord. 3900 §1, 1977.)

22.22.150 Preservation Easements.

Easements restricting the use, alteration, relocation or demolition for the purpose of preservation of the facades or any other portions of designated landmarks or structures of merit may be acquired by the City through gift, devise or purchase. (Ord. 3900 §1, 1977.)

22.22.170 Appeal from Commission to City Council.

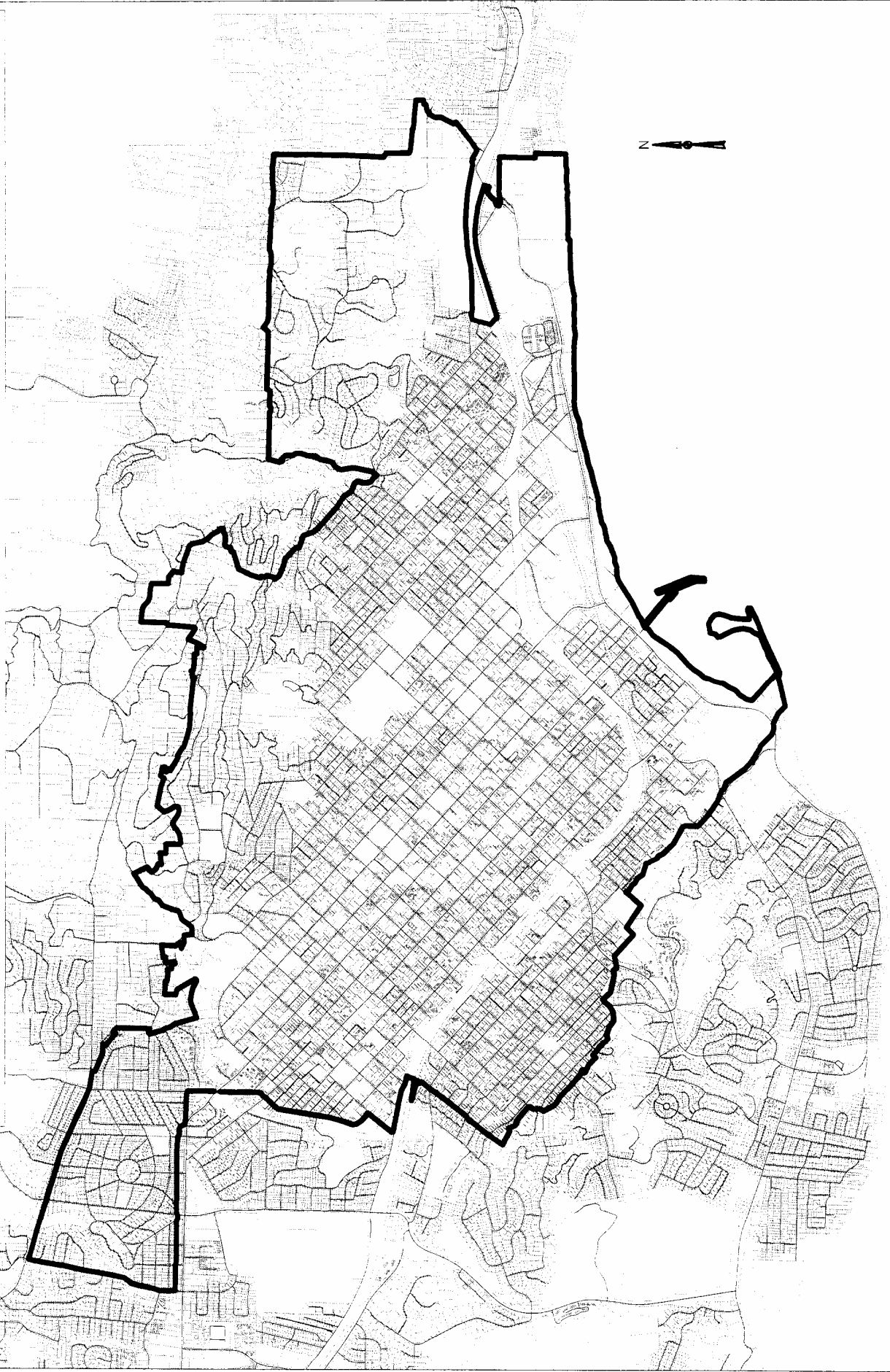
A. APPEAL FROM COMMISSION TO THE CITY COUNCIL. A final decision of the Commission made pursuant to Section 22.22.035, Section 22.22.030(D), Section 22.22.037, Section 22.22.050(D), Section 22.22.080(D), Section 22.22.085, Section 22.22.130, or Section 22.22.132 may be appealed to the City Council by any interested person pursuant to the appeal procedures established by Santa Barbara Municipal Code Chapter 1.30. In deciding such an appeal, the City Council shall make those findings required of the Commission with respect to a Commission determination made pursuant to this Chapter.

B. NOTICE OF APPEAL. In addition to the procedures specified in Chapter 1.30, notice of the public hearing before the City Council on an appeal from a decision of the Commission made pursuant to Subsection A above shall be provided in the same manner as notice was provided for the hearing before the Commission.

C. FEE FOR APPEAL. At the time of filing an appeal, the appellant shall pay a fee in the amount established by resolution of the City Council. (Ord. 5380, 2005; Ord. 5333, 2004; Ord. 4995, 1996; Ord. 4848, 1994; Ord. 3955 §8, 1978; Ord. 3900 §1, 1977.)

2004 Demolition Review/Historic Resources Survey Study Area

(Section 22.22 of the Santa Barbara Municipal Code)



Chapter 22.24

FLOOD PLAIN MANAGEMENT

Sections:

22.24.010 Findings of Fact.	22.24.110 Establishment of Development Permit.
22.24.020 Statement of Purpose.	22.24.120 Designation of the Chief of Building and Zoning.
22.24.030 Methods of Reducing Flood Losses.	22.24.130 Duties and Responsibilities of the Chief of Building and Zoning.
22.24.040 Definitions.	22.24.140 Variance and Appeal Procedure.
22.24.050 Lands to Which This Chapter Applies.	22.24.150 Conditions for Variances.
22.24.060 Basis for Establishing the Areas of Special Flood Hazard.	22.24.160 General Standards for Flood Hazard Reduction.
22.24.070 Compliance.	22.24.170 Coastal High Hazard Areas.
22.24.080 Abrogation and Greater Restrictions.	22.24.180 Floodways.
22.24.090 Interpretation.	
22.24.100 Warning and Disclaimer of Liability.	

22.24.010 Findings of Fact.

A. The flood hazard areas of the City of Santa Barbara are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.020 Statement of Purpose.

It is the purpose of the chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.030 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.040 Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

A. **APPEAL.** A request for a review of the Chief of Building and Zoning's interpretation of any provision of this Chapter or a request for a variance.

B. **AREA OF SHALLOW FLOODING.** An area designated AO, AH or VO Zone on the Flood Insurance Rate Map (FIRM) and as to which the base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

C. **AREA OF SPECIAL FLOOD HAZARD.** See "Special flood hazard area".

D. **BASE FLOOD or 100 YEAR FLOOD.** A flood having a one percent (1%) chance of being equalled or exceeded in any given year.

E. **BASEMENT.** An area of a building having its floor subgrade (below ground level) on all sides.

F. **BREAKAWAY WALLS.** Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which (i) is not part of the structural support of the building; (ii) is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building or to any buildings to which they might be carried by flood waters; (iii) has a safe design loading resistance of not less than ten and no more than twenty pounds per square foot; and (iv) has been certified for use in the building by a registered engineer or architect and meets the following standards:

1. Breakaway wall collapse will result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building will not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

G. **COASTAL HIGH HAZARD AREA.** An area subject to high velocity waters, including coastal and tidal inundation or tsunamis and designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, Ve or V.

H. **DEVELOPMENT.** Any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

I. **FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of flood waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

J. **FLOOD BOUNDARY AND FLOODWAY MAP.** The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

K. **FLOOD INSURANCE RATE MAP (FIRM).** An official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

L. **FLOOD INSURANCE STUDY.** An official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

M. **FLOODPLAIN or FLOOD-PRONE AREA.** Any land area susceptible to being inundated by water from any source (see definition of "flooding").

N. **FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

O. **FLOODPLAIN MANAGEMENT REGULATIONS.** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

P. **FLOODPROOFING.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Q. **FLOODWAY or REGULATORY FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

R. **FUNCTIONALLY DEPENDENT USE.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes vessel docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

S. **HIGHEST ADJACENT GRADE.** The highest undisturbed elevation of the ground surface prior to construction next to the proposed walls of a structure.

T. **LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

U. **MANUFACTURED HOME.** A structure, transportable in one or more sections, which is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

V. **MANUFACTURED HOME PARK or SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

W. **MEAN SEA LEVEL.** The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

X. **NEW CONSTRUCTION.** A structure for which the "start of construction" occurred on or after the effective date of this Chapter, or any applicable amendment thereto.

Y. **ONE HUNDRED YEAR FLOOD.** See "base flood".

Z. **PERSON.** An individual, firm, partnership, association or corporation, or agent of the foregoing, or this state or its agencies or political subdivisions.

AA. **REMEDY A VIOLATION.** To bring a structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance by various means, including but not limited to, protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

BB. **RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, or brook.

CC. **SAND DUNES.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

DD. **SPECIAL FLOOD HAZARD AREA (SFHA).** An area having special flood or coastal high hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE or V.

EE. **START OF CONSTRUCTION.** The date the building permit was issued, provided the actual start of construction was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation pursuant to a valid building permit. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

FF. **STRUCTURE.** A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

GG. **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure within any twenty four (24) month period, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

HH. **VARIANCE.** A grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

II. **VIOLATION.** The failure of a structure or other development to be in full compliance with this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.050 Lands to Which This Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the City of Santa Barbara. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.060 Basis for Establishing the Areas of Special Flood Hazard.

"The Flood Insurance Study for The City of Santa Barbara", dated May 4, 1978 and revised October 15, 1985, and December 3, 1991 and all subsequent revisions by the U. S. Federal Emergency Management Agency with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be a part of this Chapter. Copies of the Flood Insurance Study and maps referred to therein, shall be maintained on file at 630 Garden Street, Santa Barbara, California, and at the Office of the City Clerk, City Hall, Santa Barbara, California. The Flood Insurance Study establishes the areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administration. These areas are the minimum area of applicability of this Chapter; their boundaries may be changed, or new areas designated by the City Council following a recommendation thereon by the Chief of Building and Zoning. (Ord. 4731, 1991; Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.070 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.080 Abrogation and Greater Restrictions.

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.090 Interpretation.

In the interpretation and application of this Chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and, deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.100 Warning and Disclaimer of Liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Santa Barbara, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision made thereunder. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.110 Establishment of Development Permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Chief of Building and Zoning and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. The following information is required on an application:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures.
- B. Elevation in relation to mean sea level to which any structure has been will be floodproofed;
- C. All certifications required by Sections 22.24.130F and 22.24.160; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.120 Designation of the Chief of Building and Zoning.

The Chief of Building and Zoning is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.130 Duties and Responsibilities of the Chief of Building and Zoning.

Duties of the Chief of Building and Zoning shall include, but not be limited to:

- A. Review of all development permits to determine that the permit requirements of this Chapter have been satisfied.

B. Review of all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

C. Review of all development permits to determine that the site is reasonably safe from flooding and will not result in flood elevations increasing more than one foot.

D. Review of all development permits to determine if the proposed development adversely affects the flood carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

E. When base flood elevation data in accordance with Section 22.24.060 is unavailable, the Chief of Building and Zoning shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 22.24.160 pertaining to specific standards for residential and nonresidential construction.

F. Maintain for public inspection all records pertaining to the provisions of this Chapter, including:

1. The certification required in Section 22.24.160.C.1 (floor elevations);
2. The certification required in Section 22.24.160.C.2 (elevations in areas of shallow flooding);
3. The certification required in Section 22.24.160.C.3 (elevation or floodproofing of nonresidential structures);
4. The certification required in Section 22.24.160.C.3 (wet floodproofing standard);
5. The certified elevation required in Section 22.24.160.E.2 (subdivision standards);
6. The certification required in Section 22.24.180.A (floodway encroachments); and
7. The information required in Section 22.24.170 (coastal construction standards).

G. Notify adjacent communities, the Santa Barbara County Flood Control and Water Conservation District, and the California Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. Require that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.

H. Make interpretations as to the exact location of the boundaries of the areas of special flood hazards, (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The persons contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 22.24.140.

I. Take action to remedy violations of this Chapter as specified in Section 22.24.070. (Ord. 4539, 1988; Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.140 Variance and Appeal Procedure.

A. The Planning Commission of the City of Santa Barbara shall hear and decide appeals and requests for variances from the requirements of this Chapter.

B. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Chief of Building and Zoning in the enforcement or administration of this Chapter.

C. The applicant or any interested person may appeal the decision of the Planning Commission to the City Council in accordance with the procedures provided in Section 1.30.050 of this Code.

D. In reviewing such application, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and each of the following:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the General Plan and Flood Plain Management Program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items identified in Paragraph D have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors identified in Paragraph D and the purposes of this Chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

G. The Chief of Building and Zoning shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 5136, 1999; Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.150 Conditions for Variances.

A. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided the provisions of Section 22.24.140D are satisfied and that the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

2. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 22.24.140.D, or conflict with existing local laws or ordinances.

F. An applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Chief of Building and Zoning in the office of the Santa Barbara County Recorder in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 4522, 1988, Ord. 3972, 1978.)

22.24.160 General Standards for Flood Hazard Reduction.

In all areas of special flood hazards the following standards shall apply:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall be securely anchored to a permanent foundation system to resist flotation, collapse, or lateral movement, and shall be elevated so that the lowest floor is at or above the base flood elevation, unless a higher elevation is required by the Chief of Building and Zoning.

B. Construction Material and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Require within Zones AH, AO or VO, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation, unless a higher elevation is required by the Chief of Building and Zoning. Nonresidential structures may meet the standards in subsection 3. below. Upon the completion of the structure the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the building inspector to be properly elevated. Such certification or verification shall be provided to the Chief of Building and Zoning.

2. New construction and substantial improvement of any structure in Zone AO or VO shall have the lowest floor, including basement, elevated at least as high as the depth number specified in feet on the FIRM, or at least two feet above the highest adjacent grade if no depth number is specified. Nonresidential structures may meet the standards in subsection 3. below. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the building inspector to be properly elevated. Such certification or verification shall be provided to the Chief of Building and Zoning.

3. Nonresidential construction shall either be elevated in conformance with subsection 2. above or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects for buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Chief of Building and Zoning.

4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.

5. Manufactured homes shall also meet the standards in subsection A.2. above.

D. Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. Subdivision Proposals.

1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

2. All final subdivision plans shall provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Chief of Building and Zoning.

3. All subdivision proposals shall be consistent with the need to minimize flood damage.

4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

5. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.170 Coastal High Hazard Areas.

Within coastal high hazard areas established pursuant to Section 22.24.060, the following standards shall apply:

A. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation, unless a higher elevation is required by the Chief of Building and Zoning.

B. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation or storage.

C. Fill shall not be used for structural support of buildings.

D. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

E. The Chief of Building and Zoning shall obtain and maintain the following records:

1. Certification by a registered engineer or architect that a proposed structure complies with subsection A above.

2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.180 Floodways.

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply to floodways.

A. No encroachments, including fill, new construction, substantial improvements, and other development are permitted unless a registered professional engineer or architect certifies that the development will not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 22.24.160 and 22.24.170.

C. No mobile homes may be placed in any floodway, except in a mobile home park or mobile home subdivision established prior to the effective date of this Chapter. (Ord. 4522, 1988; Ord. 3972, 1978.)

Chapter 22.32

NUMBERING BUILDINGS

Sections:

22.32.010	Assignment of Numbers - When City Shall Affix at Owner's Expense.	22.32.030	Size, Color and Location of Numbers.
22.32.020	Failure to Place Number Unlawful.	22.32.040	Numbering System Generally.

22.32.010 Assignment of Numbers - When City Shall Affix at Owner's Expense.

The City engineer shall have charge of the matter of numbering houses, buildings and similar structures and shall, upon request, give any property owner or occupant of any house or building the number of his premises. It shall be his duty to notify, in writing, householders and others to place proper numbers where required. Such notice shall state the number required, and upon their failure to place the number on the building he may cause the same to be done at the expense of the City, which expense shall be collected from the person liable therefor. (Prior Code §11.5.)

22.32.020 Failure to Place Number Unlawful.

Any person failing to place a number upon premises owned or occupied by him within ten (10) days from the giving of the notice mentioned in Section 22.32.010 by the City Engineer, shall be guilty of a misdemeanor. (Prior Code §11.6.)

22.32.030 Size, Color and Location of Numbers.

The numbers required by this chapter shall be plain Arabic numbers at least three inches (3") in height and shall be so located that they are clearly visible from the street. The numbers shall be in a color contrasting to the background on which they are placed. (Prior Code §11.7.)

22.32.040 Numbering System Generally.

All houses, buildings and lots fronting on streets or public thoroughfares shall be numbered in the following manner:

(1) Beginning at State Street the lots, houses and buildings shall be numbered consecutively to the City limits on streets extending in northeasterly, northerly and southwesterly, southerly directions respectively. The even numbers shall be on the southeast or east side of streets running in a northeasterly or northerly direction respectively from State Street and odd numbers shall be on the northwesterly or westerly sides respectively of such streets. On streets running in a southwesterly or southerly direction from State Street, even numbers shall be on the northwesterly and westerly sides and odd numbers on the southeasterly and easterly sides respectively of such streets. One hundred (100) numbers shall be assigned to each block beginning with number one (1) at the opposite sides of State Street.

(2) Beginning at Quinientos Street, lots, houses and buildings shall be numbered consecutively to the City limits on streets extending in northwesterly and southeasterly directions respectively. On streets northwesterly of Quinientos Street and generally parallel to State Street, the numbers shall be even on the northeasterly or northerly sides and odd on the southwesterly or southerly sides. On streets southeasterly of Quinientos Street and generally parallel to the prolongation of the southerly end of State Street, the numbers shall be even on the southwesterly side and odd on northeasterly side. One hundred (100) numbers shall be assigned for each block starting with the number one (1) on opposite sides of Quinientos Street and the numbers southeasterly of Quinientos Street shall be followed by the letter S.

(3) Twenty-five feet (25') frontage shall be allowed for each number; provided, that where a block exceeds four hundred and fifty feet (450') then fractional numbers may be used in such manner that the total of the numbers in a block shall not exceed one hundred (100). All avenues, alleys or other places occupied or used for residence or business purposes shall be numbered in a like manner, and the numbers shall correspond with the numbers in the block in which such avenues, alleys or places are situated. (Prior Code §11.8.)

Chapter 22.38

UNDERGROUNDING OF UTILITIES

Sections:

22.38.010	Purpose and Requirements for Undergrounding Utilities.	22.38.070	Fees.
22.38.020	Definitions.	22.38.080	Rules and Regulations.
22.38.030	Service Connection Requirements.	22.38.100	Overhead Utilities Prohibited Where Services Underground.
22.38.040	Undergrounding at the Time of Roadway Widening or Extension.	22.38.110	Emergency Exceptions.
22.38.050	Hardship Waiver; In-Lieu Fees.	22.38.120	Unusual Circumstances and Other Exceptions.
22.38.060	Appeal to City Council.	22.38.125	Utilities Installed in Rights of Way, Permit Required.
22.38.065	Relief Where Undergrounding is Impossible.		

22.38.010 Purpose and Requirements for Undergrounding Utilities.

A. **PURPOSE.** This Chapter specifies the requirements for underground utilities related to construction projects in the City, which include but are not limited to new subdivisions, other private development projects, public streets and other public improvements.

B. **SPECIFIC REQUIREMENTS.** Specific requirements to place and maintain utility wires and related facilities underground are contained in various portions of the Santa Barbara Municipal Code, including:

1. **Roadway Projects.** Section 22.38.040 of the Code contains undergrounding requirements for roadway widening and extension projects.
2. **Service Connections.** Section 22.38.030 of this Code contains undergrounding requirements for service connections.
3. **Subdivisions.** Section 27.08.025 of this Code contains undergrounding requirements for subdivisions.
4. **Underground Districts.** Chapter 22.40 of this Code contains undergrounding requirements for underground utility districts that have been established pursuant to this Code. (Ord. 4318, 1985.)

22.38.020 Definitions.

The following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning:

A. **NEW STRUCTURE.** (i) A new free standing structure which has utility service; (ii) a structure to which additions are made, within any twenty-four (24) month period, which exceed 500 square feet and fifty percent (50%) of the existing floor area; (iii) a structure to which alterations and substantial improvements are made, within any twenty-four (24) month period, which exceed fifty percent (50%) of the replacement value of the structure; or (iv) a building, which has utility service, that is moved to another location or relocated on the same parcel.

B. **ROADWAY.** The portion of a highway or street improved, designed or ordinarily used for vehicular travel.

C. **UTILITY.** Electricity, telephone, street lighting, cable television, communications, personal communications, cellular phone service, other telecommunications and similar services.

D. **SERVICE CONNECTIONS.** The utility service equipment serving an individual parcel.

E. **DISTRIBUTION FACILITIES.** The utility service equipment serving more than one individual parcel.

F. **UTILITY SERVICE EQUIPMENT.** Facilities for the provision or transmission of electricity, telephone, street lighting, cable television, personal communications, cellular phone service, other telecommunications and similar services, including wires, conduit, poles, supports, antennae, transformers, insulators, switches, and related or appurtenant facilities. (Ord. 5048, 1998; Ord. 4907, 1995; Ord. 4318, 1985.)

22.38.030 Service Connection Requirements.

A. **UNDERGROUND INSTALLATION REQUIRED.** All service connections for utilities serving a new structure or any existing structure located on the same parcel as a new structure except for distribution facilities shall be installed or relocated underground, except as permitted by this Chapter.

B. **ROUTING.** Underground service routing for commercial and industrial properties shall be located in a manner that avoids interference with future potential building areas.

C. **TRENCHING.** When utilities are being installed as required by this Section or Section 22.38.040, cable or conduit shall be installed for all utilities while trenches are open to prevent unnecessary retrenching of driveways, streets and gutters.

D. **ABOVEGROUND INSTALLATIONS.** Construction plans which are submitted to the City for approval shall show transformers, pedestals and mounted terminal boxes and shall be subject to approval of the Chief of Building and Safety. (Ord. 4907, 1995; Ord. 4318, 1985.)

22.38.040 Undergrounding at the Time of Roadway Widening or Extension.

Whenever a roadway widening or roadway extension project in the City, whether undertaken pursuant to the provisions of Division 3 of the California Streets and Highways Code, a special assessment proceeding or otherwise, requires the relocation or extension of existing overhead utility services, such relocated or extended utility services shall be located underground pursuant to this Chapter. The participation by the respective utility companies in the costs for relocating or extending utility services shall be determined in accordance with the then applicable rules, regulations and tariffs on file with the California Public Utilities Commission. (Ord. 4218, 1985.)

22.38.050 Hardship Waiver; In-Lieu Fees.

A. **PROCEDURE.** Whenever the cost of placing utility services underground is so great as to constitute an unreasonable hardship, the applicant for a City building permit or other permit or the owner of an interest in the real property may apply in writing to the Chief of Building and Safety for relief from the provisions of this Chapter. The request shall contain (i) a detailed description of the overhead utility services proposed to be placed underground; (ii) separate itemized cost estimates for construction of the project if the utilities were placed or relocated (a) underground or (b) above ground; and (iii) such other information as needed to determine hardship.

B. **INVESTIGATION AND HEARING.** The Chief of Building and Safety shall investigate the costs of the project if the utilities were placed underground or relocated above ground and obtain any other necessary information to make a determination on the application. Within twenty (20) days after the filing of the application, the Chief of Building and Safety shall hold a hearing on the matter at a scheduled time and place.

C. **UNREASONABLE HARDSHIP; FINDINGS.** After considering the request for relief, the Chief of Building and Safety shall determine whether any relief is proper under the circumstances, including, but not limited to, indefinite deferral of the undergrounding requirement. The Chief of Building and Safety shall grant relief only upon the following findings, as applicable:

1. The cost of placing existing utility services underground is either so (i) exorbitant or (ii) disproportionate to the total cost of construction as to constitute an unreasonable hardship;

2. No new utility poles are to be erected;

3. There are other overhead utility lines in the immediate vicinity which would remain even if no waiver were granted;

4. The costs of undergrounding exceeds ten percent (10%) of the project valuation if the project is a subdivision, or five percent (5%) of the project valuation for a project other than a subdivision, as determined by the currently adopted valuation tables of the Chief of Building and Safety or through use of an estimate provided by the architect, engineer or contractor for the project, whichever is higher;

5. The grant of approval would not be inconsistent with the intent and purposes of this Chapter; and

6. Where the project is or includes, as a substantial portion of the work, the installation or replacement of utilities distribution facilities and there are unusual conflicts or other conditions or circumstances which preclude reasonable measures to install utilities underground, the Chief of Building and Safety shall provide such relief as is consistent with the intent and purposes of this Chapter.

D. **REQUIRED CONDITIONS.** If relief is granted by the Chief of Building and Safety, the following conditions shall be imposed, as applicable:

1. The owner must execute and cause to be recorded, on forms to be provided by the City, a waiver of the right of protest to the formation of an assessment district proposed for the purpose of undergrounding utilities; and

2. An electric meter enclosure or other enclosure suitable for both overhead and underground utilities is to be installed; and

3. The owner shall pay the City an in-lieu fee of ten percent (10%) of the project valuation if the project is a subdivision and (i) the subdivision will contain more than two (2) new lots, or (ii) more than two (2) dwellings exist or may legally be constructed within the subdivision or (iii) the property is not zoned solely for residential uses. The owner shall pay the City an in-lieu fee of five percent (5%) of the project valuation for other subdivisions or a project other than a subdivision. Project valuation shall be determined utilizing valuation tables or through use of an estimate provided by the architect, engineer or contractor for the project, whichever is higher. The fees shall be deposited in a fund to be used only for undergrounding of utilities in the City and purposes directly related thereto. For subdivisions, the in-lieu fees shall be paid to the City prior to approval of a Final Map or Parcel Map. For other projects, the in-lieu fee shall be paid to the City prior to the issuance of the building permit for the project, unless a building permit is not required for the project, in which event the fee shall be paid to the City within thirty (30) days after the granting of the relief is final.

4. As to each subdivision for which a five percent (5%) in-lieu fee will be paid, an agreement approved by the City Attorney shall be recorded which (i) prohibits more than two lots within the property being subdivided, (ii) restricts the use of the subdivided property to residential uses, and (iii) prohibits the construction, maintenance or use of more than two dwellings on the subdivided property. The agreement shall require that if there is not compliance with the above conditions and restrictions, the Owner, at its sole cost, shall cause all utilities within the property that is subdivided to be placed underground.

5. Where the project is or includes, as a substantial portion of the work, the installation or replacement of utilities distribution facilities and there are unusual conflicts or other conditions or circumstances which preclude reasonable measures to install utilities underground, the Chief of Building and Safety shall provide, as a condition of any relief from requirements of this Chapter, an in lieu payment or other commitment sufficient to insure placement of overhead conduit underground to an extent which is equivalent to the extent of the conduit for which relief is granted.

E. **INAPPLICABILITY TO SUBDIVISION APPROVALS.** This Section does not authorize the waiver of any subdivision map condition related to undergrounding of utilities except as authorized by Sections 22.38.050D and 27.08.025 of the Code.

F. **TERMINATION OF AUTHORITY.** The authority to grant relief pursuant to this Section or Section 22.38.060 shall terminate should a court of competent jurisdiction determine that the City may not lawfully impose or collect the in-lieu fee specified in Subsection D. (Ord. 5048, 1998; Ord. 4455, 1987; Ord. 4399, 1986; Ord. 4318, 1985.)

22.38.060 Appeal to City Council.

A. **PROCEDURE.** Any determination of the Chief of Building and Safety concerning a hardship waiver request under this Chapter may be appealed by any interested person to the City Council by filing a written appeal with the City Clerk within ten (10) days after the date of such decision. The decision of the Chief of Building and Safety is final if an appeal is not filed in a timely manner.

B. **APPEAL REQUIREMENTS.** The appeal shall contain (i) a detailed description of the overhead utility services proposed to be placed underground, (ii) separate itemized cost estimates for construction of the project if the utilities were placed underground or relocated aboveground, and (iii) the grounds for the appeal.

C. **SCHEDULING OF HEARING.** The City Council shall, at its regular meeting next following receipt of the appeal, set the appeal for hearing.

D. **GRANTING APPEAL, UNREASONABLE HARDSHIP, FINDINGS, CONDITIONS.** Upon consideration of the appeal, the City Council may grant such relief as it may deem proper under the circumstances, including, but not limited to, indefinite deferral of such requirement. Such appeal may be granted based upon the findings and conditions stated in Subsections C and D of Section 22.38.050. (Ord. 4318, 1985.)

22.38.065 Relief Where Undergrounding is Impossible.

Upon application therefor, the Planning Commission is authorized to relieve a property owner from the requirement that it underground all of the utilities provided the Commission finds that (i) the owner cannot obtain a right-of-way or right-of-way entry on an adjacent parcel which is necessary to accomplish the undergrounding, or (ii) it is otherwise impossible to underground the utilities. Relief granted under this Section shall not be effective unless the Owner (i) pays to the City the lesser of the costs of the undergrounding that is not required or the amount of the fees that would be required to obtain a waiver under Section 22.38.050 and (ii) waives the right to protest the amount of that payment. That payment shall be deposited in a fund to be used only for undergrounding in the City and purposes related thereto. The property owner shall have the burden of proof and the decision of the Planning Commission shall be final. (Ord. 4399, 1986.)

22.38.070 Fees.

The City Council may, by resolution, establish fees for applications and appeals authorized by this Chapter. (Ord. 4318, 1985.)

22.38.080 Rules and Regulations.

The Chief of Building and Safety shall have the authority to promulgate and administer rules and regulations necessary for the administration and interpretation of this Chapter. These rules and regulations shall be effective only for thirty (30) days after their adoption unless they are approved by resolution of the City Council. (Ord. 4318, 1985.)

22.38.100 Overhead Utilities Prohibited Where Services Underground.

A. **UNLAWFUL TO INSTALL.** It shall be unlawful for any person or utility to erect, construct, place, or install any utility poles, overhead wires, overhead conduits, or associated overhead structures:

1. Along any public or private street, road, drive or access, public right of way, or other corridor in which the electrical power utility distribution lines or services for electricity have been placed or located underground; or,

2. Along any public or private street, road, drive or access, public right of way, or other corridor in which the principal utilities providing service for that corridor are maintained underground.

B. **UNLAWFUL TO MAINTAIN.** It shall be unlawful for any person or utility to keep, maintain, continue, employ or operate utility poles, overhead wires, overhead conduits or associated overhead structures which have been installed, constructed or otherwise placed in violation of this Chapter. (Ord. 5048, 1998.)

22.38.110 Emergency Exceptions.

Notwithstanding the provisions of Section 22.38.100, overhead facilities may be installed and maintained for a period, not to exceed thirty (30) days, as necessary in order to provide emergency service. Emergency overhead facilities may be installed and maintained for a period in excess of 30 days, but not to exceed 180 days, upon the approval of the Public Works Director. (Ord. 5048, 1998.)

22.38.120 Unusual Circumstances and Other Exceptions.

With respect to overhead utility services and notwithstanding the provisions of Section 22.38.100, the City Council may authorize, on such terms and conditions as the Council may deem appropriate, a person or utility to erect, construct, install, maintain, use or operate overhead structures for any of the following services:

- A. Poles, wires, and associated overhead structures for a period of time longer than one hundred and eighty (180) days as necessary to address emergency conditions, or to correct for damage to, loss of, unusual, or interrupted, utility service(s);
- B. Municipal facilities or equipment installed under the supervision and to the satisfaction of the Public Works Director;
- C. Poles or electroliers used exclusively for street lighting;
- D. Overhead wires (exclusive of supporting structures) to cross a portion of the area serviced by underground utilities or connecting to buildings on the perimeter of such area when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- E. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;
- F. Overhead wires, attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
- G. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;
- H. Equipment which is appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes, meter cabinets and concealed ducts;
- I. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects; and,
- J. Poles, wires, and associated overhead structures which were existing in place on January 1, 1997. (Ord. 5048, 1998.)

22.38.125 Utilities Installed in Rights of Way, Permit Required.

In order to provide for coordination of conduits and protection for existing utility services, it shall be unlawful for any person or utility to place, install, construct or maintain overhead or underground utilities lines, conduits, poles, services or other improvements within a City street, public alley or other public right of way without approval by Public Works Permit issued by the Public Works Director. (Ord. 5048, 1998.)

Chapter 22.40

UNDERGROUND UTILITY DISTRICTS

Sections:

22.40.010	Definitions.	22.40.070	Other Exceptions.
22.40.020	Public Hearing by Council.	22.40.080	Notice to Property Owners and Utility Companies.
22.40.030	Report by Public Works Director.	22.40.090	Responsibility of Utility Companies.
22.40.040	Council may Designate Underground Utility Districts by Resolution.	22.40.100	Responsibility of Property Owners.
22.40.050	Unlawful Acts.	22.40.110	Responsibility of City.
22.40.060	Exception, Emergency or Unusual Circumstances.	22.40.120	Extension of Time.
		22.40.130	Penalty for Violation.

22.40.010 Definitions.

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

- (a) "Commission" means the Public Utilities Commission of the State;
- (b) "Underground Utility District" or "District" means that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 22.40.040;
- (c) "Person" means and includes individuals, firms, corporations, partnerships, and their agents and employees;
- (d) "Poles, overhead wires and associated overhead structures" mean poles, towers, supports, wires, conductors, guys, stubs, platforms, cross-arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication or similar or associated service;
- (e) "Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. 3327 §1(part), 1968.)

22.40.020 Public Hearing by Council.

The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last Equalized Assessment Roll and utilities concerned by mail of the time and place of such hearings at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive. (Ord. 3327 §1(part), 1968.)

22.40.030 Report by Public Works Director.

Prior to holding such public hearing, the Public Works Director shall consult with all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the City and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities. (Ord. 3327 §1(part), 1968.)

22.40.040 Council May Designate Underground Utility Districts by Resolution.

If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 3327 §1(part), 1968.)

22.40.050 Unlawful Acts.

Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 22.40.040, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 22.40.100, and for such reasonable time required to remove said facilities after such work has been performed, and except as otherwise provided in this chapter. (Ord. 3327 §1(part), 1968.)

22.40.060 Exception, Emergency or Unusual Circumstances.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days, without authority of the Council in order to provide emergency service. The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 3327 §1, 1968.)

22.40.070 Other Exceptions.

In any resolution adopted pursuant to Section 22.40.040, the City may authorize any or all of the following exceptions:

- (a) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the Public Works Director;
- (b) Poles, or electroliers used exclusively for street lighting;
- (c) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- (d) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;
- (e) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one (1) location on the building to another location on the same building or to an adjacent building without crossing any public street;
- (f) Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;
- (g) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;
- (h) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 3327 §1(part), 1968.)

22.40.080 Notice to Property Owners and Utility Companies.

Within ten (10) days after the effective date of a resolution adopted pursuant to Section 22.40.040, the City Clerk shall notify all affected utilities and persons owning real property within the district created by said resolution of the adoption thereof. The City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 22.40.040, together with a copy of this chapter, to affected property owners as such are shown on the last Equalized Assessment Roll and to the affected utilities. (Ord. 3327 §1(part), 1968.)

22.40.090 Responsibility of Utility Companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 22.40.040, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission. (Ord. 3327 §1(part), 1968.)

22.40.100 Responsibility of Property Owners.

(a) Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 22.40.080 and the termination facility on or within said building or structure being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 22.40.040 hereof, the Public Works Director shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last Equalized Assessment Roll, to provide the required underground facilities within ten (10) days after receipt of such notice.

(b) The notice to provide the required underground facilities may be given either by personal service or mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last Equalized Assessment Roll, and when no address appears, to General Delivery, City of Santa Barbara. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the Public Works Director shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches (8") by ten inches (10") in size, to be posted in a conspicuous place on said premises.

(c) The notice given by the Public Works Director to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if the work is not completed within thirty (30) days after receipt of such notice, the Public Works Director will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

(d) If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the Public Works Director shall forthwith proceed to do the work, provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the Public Works Director shall in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the Public Works Director he shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter.

(e) The Public Works Director shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

(f) Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(g) If any assessment is not paid within five (5) days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the Public Works Director, and the Public Works Director is directed to turn over to the Assessor and Tax Collector a notice of lien on each of the properties on which the assessment has not been paid, and the Assessor and Tax Collector shall add the amount of the assessment to the next regular bill for taxes levied against the premises upon which the assessment was not paid. Said assessment shall be due and payable at the same time as the property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent (6%) per annum. (Ord. 3946, 1978; Ord. 3327 §1(part), 1968.)

22.40.110 Responsibility of City.

The City shall remove at its own expense all City owned equipment from all poles required removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 22.40.040. (Ord. 3327 §1(part), 1968.)

22.40.120 Extension of Time.

In the event that any act required by this ordinance or by a resolution adopted pursuant to Section 22.40.040 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished may be extended for a period equivalent to the time of such limitation, upon a showing of satisfactory evidence. (Ord. 3327 §1(part), 1968.)

22.40.130 Penalty for Violation.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this chapter. (Ord. 3327 §1(part), 1968.)

Chapter 22.42

TANKS, WELLS, TRANSMISSION LINES AND CONDUITS AS PUBLIC NUISANCE

Sections:

22.42.010	Certain Tanks, Wells, Transmission Lines, Etc. Declared a Nuisance.	22.42.060	Council to Hear Objections to Proposed Removal.
22.42.020	Description of Property in Resolution Declaring Nuisance.	22.42.070	Order to Abate - Owner May Abate Before City Begins Work.
22.42.030	Resolution May Cover Several Parcels.	22.42.080	Report of City's Expenses.
22.42.040	Posting and Form of Notice to Abate.	22.42.090	Hearing On and Confirmation of City's Costs - Costs to be Lien - Collecting Costs.
22.42.050	Time for Posting Notice to Abate.	22.42.100	Reservation of Police Powers.

22.42.010 Certain Tanks, Wells, Transmission Lines, Etc. Declared a Nuisance.

Buried tanks, surface tanks, cisterns, wells, transmission lines and other conduits located within or extending into a park, beach, road, street, alley, harbor or airport property, or other public property or right of way which are not removed within 30 days following demand by the Public Works Director or City Engineer may be declared to be a public nuisance by resolution of the City Council and thereafter abated at the joint and several expense of:

1. the party, person or persons responsible for the installation;
2. the party, person or persons for whose benefit the installation was made; and,
3. the present owner(s) of the land or premises for the benefit of which the installation was made.

(Ord. 4830, 1993)

22.42.020 Description of Property in Resolution Declaring Nuisance.

The resolution adopted pursuant to Section 22.42.010 shall describe the property upon which the nuisance exists, or the property for the benefit of which such nuisance was installed, by reference to the latest County Tax Assessor's records available to the public, and no other description of the property shall be required. In lieu thereof, reference may be made to the parcel or lot and block number of the property according to the official map or other records. (Ord. 4830, 1993)

22.42.030 Resolution May Cover Several Parcels.

Any number of parcels of property may be included in one and the same resolution declaring the nuisance. (Ord. 4830, 1993)

22.42.040 Posting and Form of Notice to Abate.

After adoption of the resolution as provided by Sections 22.42.020 and 22.42.030, the Public Works Director, or City Engineer shall cause a notice to abate the nuisance to be mailed to the person responsible for the installation, if known, and conspicuously posted on the property on which the nuisance exists, and on the property which was to benefit from the facility installed, if reasonably identified. At least three such notices shall be placed on such property, near such nuisance, at intervals not more than one hundred feet (100') in distance apart. Such notice shall include the words: "Notice to Abate Nuisance" in letters not less than one inch (1") in height, and shall be substantially in the following form:

NOTICE TO ABATE NUISANCE

NOTICE IS HEREBY GIVEN, that on the day of , , the Santa Barbara City Council adopted a resolution declaring that one or more tanks, wells, cisterns, transmission lines or other conduits located within or extended into public property by , or installed for the benefit of property more particularly described in such resolution, constitutes a public nuisance which must be abated by removal, otherwise they will be removed and the nuisance will be abated by order of the City in which case the cost of such removal, together with incidental expenses, shall be charged to such person or agency responsible and assessed upon the lots and lands for the benefit of which such installation was made, and such costs and incidental expenses will constitute a lien upon such lots or lands until paid. Reference is hereby made to such resolution for further particulars.

All persons and all property owners having any objections to the proposed abatement are hereby notified to attend a meeting of the Santa Barbara City Council to be held on the day of , , at the Council Chamber of the Santa Barbara City Hall, 735 Anacapa Street, Santa Barbara, California, when their objections will be heard and given due consideration.

Dated:

(Ord. 4830, 1993.)

22.42.050 Time for Posting Notice to Abate.

The notice provided in Section 22.42.040 shall be posted at least ten (10) days prior to the time stated therein for hearing objections by the City Council. (Ord. 4830, 1993)

22.42.060 Council to Hear Objections to Proposed Removal.

At the time stated in the notice posted pursuant to Sections 22.42.040 and 22.42.050, the Council shall hear and consider all objections or protests, if any, to the proposed abatement found by resolution to be a nuisance, and may continue the hearing from time to time. Upon the conclusion of the hearing the Council by motion or resolution shall allow or overrule any or all objections, whereupon the Council may perform the work of removal. The decision of the Council on the matter shall be final and conclusive. (Ord. 4830, 1993)

22.42.070 Order to Abate - Owner May Abate Before City Begins Work.

After final action has been taken by the Council under Section 22.42.060 on the disposition of any protests or objections, or in case no protests or objections have been received, the Council, by motion or resolution, may order the Public Works Director or City Engineer to abate the nuisance considered pursuant to this Chapter by causing such nuisance to be removed and the premises restored to a lawful condition suitable for public use and such officer, and the deputies, agents and employees of such officer are hereby expressly authorized to enter upon private property for that purpose. Any property owner, or other person responsible, shall have the right to have such nuisance abated at his own expense; providing abatement is accomplished prior to the arrival of the City officer or representatives prepared to do the same. (Ord. 4830, 1993)

22.42.080 Report of City's Expenses.

The City officer or deputy charged with such abatement shall keep an account of the costs, including the costs of printing and posting notices, of abating the nuisance as provided in this Chapter. The City officer or deputy charged with such abatement shall render an itemized written report to the Council, identifying the parties known to be responsible, and showing the costs, apportioned to each separate lot or parcel of land as provided in this Chapter. At least five days before such report is submitted to the Council for confirmation, a copy of the report, together with a notice of the time when such report shall be submitted to the Council for confirmation, shall be mailed to the address of the parties responsible, if their address is known, and posted with City Council meeting notices on the premises of City Hall. (Ord. 4830, 1993.)

22.42.090 Hearing On and Confirmation of City's Costs - Costs to be Lien - Collecting Costs.

At the time fixed for receiving and considering the report required by Section 22.42.080, the Council shall hear the same, together with any objections which may be raised by any of the persons liable to be assessed for the work of abating the nuisance and thereupon make such modifications in the report as they deem necessary, after which, by motion or resolution, the report shall be confirmed. The amount of the cost for abating such nuisance shall be referred to the City Finance Director for collection and may be assessed against the various parcels of land referred to in the report and, as confirmed, shall constitute a lien on such property for the amount of such assessments, respectively.

After confirmation of such report, a copy thereof shall, as determined by the Finance Director, be delivered to the County Assessor and to the County Tax Collector, whereupon it shall be the duty of such officers to add the amounts of the respective assessments to the next regular bills for taxes levied against the respective lots and parcels of land identified and thereafter such amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquency as is provided for ordinary property taxes. (Ord. 4830, 1993)

22.42.100 Reservation of Police Powers.

Nothing in this Chapter is intended to limit the ability of the City to respond as needed to remove a nuisance or other obstruction where required to maintain the public health, peace or safety, or where otherwise required in proper exercise of a police power. (Ord. 4830, 1993.)

Chapter 22.44

STREET DEDICATION AND IMPROVEMENT FOR BUILDING PERMITS

Sections:

22.44.010 Scope and Applicability.

22.44.020 Exceptions.

22.44.030 Dedication Procedure.

22.44.040 Improvement Procedure.

22.44.050 Issuance of Building Permits.

22.44.070 Lots Affected by Street Widening.

22.44.080 Improvement Standards.

22.44.090 Appeal.

22.44.010 Scope and Applicability.

(a) This chapter shall apply in all zones other than the A, E, R-1, or R-2 zones as set forth in Ordinance No. 3710 (the Zoning Ordinance) of the City, as amended. Except as otherwise provided in this chapter, no building or structure shall be erected, reconstructed, structurally altered or enlarged, and no building permit shall be issued therefor on any lot, if such lot abuts a public street or right-of-way for public street purposes, unless one-half (1/2) of such public street or right-of-way abutting such lot has been dedicated and improved so as to meet the standards for such street as provided in Section 22.44.080, or such dedication and improvement has been assured to the satisfaction of the Public Works Director.

(b) The maximum area of land required to be so dedicated shall not exceed twenty-five percent (25%) of the area of any such lot. In no event shall such dedication as required herein reduce the lot below an area of six thousand (6,000) square feet.

(c) No such dedication shall be required with respect to those portions of such a lot occupied by a main building.

(d) No additional street improvements shall be required in connection with the issuance of a building permit as set forth herein where the abutting street is satisfactory in its right-of-way width including existing street pavement, curbs, curbs and gutters, and sidewalks and where such existing improvements are contiguous to the lot represented in such building permit application.

(e) No building or structure shall hereafter be erected on any such lot within the street right-of-way limits or within the additional widening limits of street right-of-way as required by this chapter. (Ord. 3353 §1(part), 1969.)

22.44.020 Exceptions.

The provisions of Section 22.44.010 shall not apply to the following construction:

(a) One (1) single-family dwelling or duplex with customary accessory buildings when erected on a vacant lot;

(b) Additions and accessory buildings incidental to a residential building legally existing on the lot, provided no additional dwelling units or guest rooms are created;

(c) Additions and accessory buildings incidental to other than a residential building existing on the lot, provided the total accumulative floor area of all additions and accessory buildings shall not exceed twenty-five percent (25%) of the floor area of existing buildings;

(d) Building permit applications filed with the Building Division prior to the effective date of this chapter. (Ord. 3353 §1(part), 1969.)

22.44.030 Dedication Procedure.

(a) Any person required to dedicate land by the provisions of this chapter shall make an offer to dedicate for street right-of-way purposes including street right-of-way widening purposes, and such offer shall be properly executed by all parties of interest including beneficiaries and trustees in deeds of trust as shown by current preliminary title report prepared by a title company, approved by the City for that purpose. Such report shall be furnished by the applicant in the course of application for a building permit. Such offer shall be on a form approved by the City Attorney and the Public Works Director and shall be in such terms as to be binding on the owner of the lot involved, his heirs, assignees or successors in interest and shall continue until the City Council accepts or rejects such offer or until six (6) months from the date such offer is filed with the Public Works Director, whichever occurs first. The offer shall provide that the dedication shall be completed upon acceptance by resolution adopted by the City Council, after which the fact of such offer and acceptance shall be recorded by the City in the Office of the County Recorder. Upon recordation of the offer and acceptance of such street right-of-way, the Building Division and other City departments concerned shall proceed with the examination of the building permit application and complete the processes under such application including the issuance of such permit. Should a building permit not be issued in connection with said application or such application be withdrawn by the applicant within six (6) months, in either case from the date of recordation of the street right-of-way dedication and acceptance, the applicant for such building permit shall be issued a release from such dedication requirement and the right-of-way so recorded shall then be relinquished by the City to the owner of the lot involved in the application for building permit.

(b) For purposes of this section, dedication and acceptance of such right-of-way shall be considered as satisfactorily assured when the City Council accepts such dedication by resolution. (Ord. 3353 §1(part), 1969.)

22.44.040 Improvement Procedure.

(a) Any person required to make improvements by the provisions of this section shall make and complete the same to the satisfaction of the Public Works Director prior to the issuance of an occupancy permit by the Chief of Building and Zoning; provided, that where such improvements are not required to be immediately installed, such person shall file with the City Clerk a bond in such an amount as the Public Works Director shall estimate and determine to be necessary to cause the completion of such future improvements.

(b) Such bond may be either a cash bond or a bond executed by a company authorized to act as a surety in the State. The bond shall be payable to the City and be conditioned upon the faithful performance of any and all work required to be done, and that should such work not be done or completed within the time specified, the City may at its option cause the same to be done or completed, and the parties executing the bond shall be firmly bound under a continuing obligation for the payment of all necessary costs and expenses incurred in the construction thereof. The bond shall be executed by the owner of the lot as principal, and if a surety bond, shall also be executed by a corporation authorized to act as a surety under the laws of the State.

(c) Whenever the owner elects to deposit a cash bond, subject to the approval of the City Council, the City is authorized in the event of any default on his part to use any or all of the deposit money to cause the required work to be done or completed and for payment of all incidental costs and expenses therefor. Any money remaining following completion of the required street improvement shall be refunded.

(d) When a substantial proportion of the presently required improvement has been completed to the satisfaction of the Public Works Director, and the completion of the remaining improvements is delayed due to conditions beyond the owner's control, the Public Works Director may recommend acceptance of the completed portions and the City Council may, upon such recommendation, authorize a bond in an amount estimated and determined by the Public Works Director to be adequate to assure the completion of the required improvements required to be made.

(e) Whenever a surety bond has been filed in compliance with this section, the City is authorized in the event of any default on the part of the principal, to enforce collection under such bond for any and all damages sustained by the City by reason of any failure on the part of the principal faithfully and properly to do or complete the required improvements, and in addition, may cause all of the required work to be done or completed, and the surety upon the bond shall be firmly bound for the payment of all necessary costs thereof.

(f) The terms of the bond obligation shall begin upon the deposit of cash or the filing of the surety bond and shall end upon the date of completion to the satisfaction of the Public Works Director and acceptance by the City Council of all improvements required to be made. The fact of such completion shall be endorsed by a statement thereof signed by the Public Works Director, and the deposit, if any shall be returned to the owner or the surety bond may be exonerated at any time thereafter.

(g) For purposes of the section, improvements shall be considered as satisfactorily assured when the Public Works Director or the City Council accepts the cash or surety bond provided for herein or the improvements required to be made have been completed to his satisfaction. Upon acceptance of either the cash bond or surety bond and evidence of the deposit of either with the City, the Public Works Director shall notify the Chief of Building and Zoning thereof. (Ord. 3353 §1(part), 1969.)

22.44.050 Issuance of Building Permits.

When all dedication and improvements required by this chapter have been completed or satisfactorily guaranteed as to completion, a building permit may be issued, provided all structural and zoning requirements directly applicable to the building permit have been satisfactorily complied with. (Ord. 3353 §1(part), 1969.)

22.44.070 Lots Affected by Street Widening.

On a lot which is affected by street widening required by the provisions of this chapter, all required yards, setbacks, parking area, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot line created by said widening; however, in applying all other provisions of this chapter, the area of such lots shall be considered as that which existed immediately prior to such required street widening. (Ord. 3353 §1(part), 1969.)

22.44.080 Improvement Standards.

(a) The following dimensional street standards and improvements shall be applicable in the requirement for dedication and improvement, as required by this chapter, and by the street deficiency study of the City made pursuant to Section 2156 of the Streets and Highways Code, on file in the Office of the Public Works Director, and shall include proposed street right-of-way to be acquired as well as existing street right-of-way.

(1) **STREETS HAVING A RIGHT-OF-WAY WIDTH OF NOT LESS THAN ONE HUNDRED FEET (100').** Each one-half (1/2) of the street shall consist of not less than thirty-two feet (32') of paved section measured between curb faces and not less than ten feet (10') of sidewalk and parkway area of which at least five feet (5') shall be paved. The remaining eight feet (8') may be utilized as a portion of divider or median strip width.

(2) **STREETS HAVING A RIGHT-OF-WAY WIDTH OF NOT LESS THAN EIGHTY FEET (80') AND A PAVED ROADWAY WIDTH OF NOT LESS THAN SIXTY FEET (60').** Each one-half (1/2) of the street shall consist of not less than thirty feet (30') of paved section measured from the center line of pavement to the curb face, together with a parkway and sidewalk area measuring ten feet (10') from the curb face to the street right-of-way line with concrete sidewalks constructed within such area to the width currently required by the Zoning Ordinance (No. 3710) and the Santa Barbara Municipal Code.

(3) **STREET RIGHTS-OF-WAY HAVING A RIGHT-OF-WAY WIDTH NOT LESS THAN SIXTY FEET (60') WITH A PAVED ROADWAY WIDTH OF NOT LESS THAN FORTY FEET (40') WITH A SIDEWALK AREA OF TEN FEET (10') ON EACH SIDE OF THE PAVED SECTION.** Each half of the street shall consist of not less than twenty feet (20') of pavement measured from the center line of pavement to the curb face, and ten feet (10') of sidewalk and parkway area with not less than five feet (5') of sidewalk.

(4) **A STREET RIGHT-OF-WAY NOT LESS THAN FIFTY-FOUR FEET (54') WITH A PAVED WIDTH OF NOT LESS THAN THIRTY-FOUR FEET (34') MEASURED FROM CURB FACE TO CURB FACE.** Each half of the street shall have a paved width of not less than seventeen feet (17') measured from the center line of pavement to the curb face and including ten feet (10') of sidewalk and parkway area where the minimum width of sidewalk shall be five feet (5') or such dimension as required by the Zoning Ordinance or the Santa Barbara Municipal Code provisions as related to the zoning for the abutting property.

(b) All improvements required to be made by the provisions of this subsection shall be done in accordance with the applicable provisions as set forth in standard specifications and/or standard plans on file in the Public Works Department of the City and as set forth under the applicable sections of Chapter 22.60 of the Santa Barbara Municipal Code.

(c) The Public Works Director may approve and allow such variations and deviations from the aforesaid requirements as he determines are made necessary by the conditions of the terrain and the existing improvements contiguous to the property involved. (Ord. 3353 §1(part), 1969.)

22.44.090 Appeal.

Any person may appeal any determination of the Public Works Director made in connection with the administration and enforcement of the improvement provisions of this chapter by making such appeal to the City Council pursuant to the provisions of Section 1.30.050 of this Code. (Ord. 5136, 1999; Ord. 3353 §1(part), 1969.)

Chapter 22.48

NAMING OF PUBLIC FACILITIES AND PRIVATE STREETS

Sections:

22.48.010	Purpose.	22.48.050	Initiation.
22.48.020	Principles, Policies and Priorities.	22.48.060	Review of Request - Referral.
22.48.030	Change of Name.	22.48.070	Hearing.
22.48.040	Recommendations of Community or Citizen Groups.	22.48.080	Private Street Names.
		22.48.090	Change of Private Street Name.

22.48.010 Purpose.

The City Council finds and determines that the public has an interest in the naming of public facilities, including parks, buildings and streets, owned or controlled by the City, that no consistent policy has been employed in the past in selecting the names of public facilities, that the renaming of facilities without due consideration in the context of established principles results in confusion and detracts from the honor accorded in naming a facility, and that, therefor, it is desirable and in the public interest to delineate the policies, principles and procedures for the selection of names and naming of public facilities. (Ord. 3485 §1(part), 1971.)

22.48.020 Principles, Policies and Priorities.

The election of names for public facilities shall conform to the following principles, policies and priorities:

- (a) As a general policy, names which commemorate the culture and history of Santa Barbara will be given first priority; those names commemorating California history may be given second priority;
- (b) The name of an individual shall be considered only if such individual has made a particularly meritorious and outstanding contribution, over a period of several years, to the general public interest or the interests of the City;
- (c) A preference shall be given to names of long established local usage, names which are euphonious, and names which lend dignity to the facility to be named;
- (d) Names selected shall be of enduring, honorable fame, not notoriety, and shall be commensurate with the significance of the facility;
- (e) Proliferation of names for different parts of the same facility should be avoided, and the same name should not be applied to a similar kind of facility;
- (f) Names with connotations which by contemporary community standards are derogatory or offensive shall not be considered. (Ord. 3485 §1(part), 1971.)

22.48.030 Change of Name.

Existing names and names once established shall not be changed unless, after investigation and public hearing, the name is found to be inappropriate. (Ord. 3485 §1(part), 1971.)

22.48.040 Recommendations of Community or Citizen Groups.

In the selection of names for City owned facilities the suggestions, comments and recommendations of community or citizen groups and the citizens in the neighborhood of the facility shall be duly considered; provided, that such suggestions, comments and recommendations are not inconsistent with the provisions of this chapter. (Ord. 3485 §1(part), 1971.)

22.48.050 Initiation.

Any person may initiate the naming of a City owned facility by submitting to the City Administrator a request for such action and setting forth the proposed name, a description of the facility, and a statement evidencing that the proposed name is consistent with the policies and guidelines of this chapter. (Ord. 3485 §1(part), 1971.)

22.48.060 Review of Request - Referral.

The City Administrator shall review all requests to name a City owned facility and shall refer the request to the department having jurisdiction of such facility and the appropriate commission or committee for consideration of the request. (Ord. 3485 §1(part), 1971.)

22.48.070 Hearing.

The commission or committee to which the City Administrator has referred a naming request pursuant to Section 22.48.060 shall hold a public hearing to consider the necessity or desirability of naming the facility, and the proposed name and any alternatives. Such commission or committee shall prepare a recommendation for action by the City Council. The recommendation shall include the name, if any, for the facility which is deemed most appropriate in accordance with the policies and guidelines of this chapter and the justification for the selection of such name. (Ord. 3485 §1(part), 1971.)

22.48.080 Private Street Names.

Whenever a private street or way is constructed, other than in a subdivision as provided in Title 27 of this Code, upon which structures will front, requiring an address, a proposed name for such street or way may be submitted to the Public Works Department for consideration by the Subdivision Review Committee. If such name is not a duplication of or so nearly the same as to cause confusion with the name of an existing street or way located in the City of Santa Barbara, or in close proximity thereto, and if such name is appropriate for a street name, such name shall be approved by such Committee, and recommended to the City Council for adoption.

If upon the completion of such private street or way, no name has been submitted as hereinabove set forth, the Public Works Director may propose a name for such private street or way and submit the same to the Subdivision Review Committee for approval. Such Committee shall adopt a resolution either approving such proposed name or any other name agreed upon by the Committee, which resolution shall be forwarded to the City Council as a recommendation for action by the Council.

A copy of the resolution of the City Council naming a private street or way shall be forwarded promptly to the City Police, Fire and Public Works Departments, the United States Postal Service, the County Clerk and County surveyor and the City Clerk shall also notify abutting property owners of such change of name. (Ord. 4090, 1980; Ord. 3249 §1, 1967.)

22.48.090 Change of Private Street Name.

Whenever it is ascertained by the Subdivision Review Committee that the existing name of any private street or way should be changed to avoid duplication of or confusion with the names of public streets, such Committee may adopt a resolution proposing a new name to be designated for such private street or way and submit the same to the City Council for action. The procedure for such change of name by the City Council shall be the same, as near as may be, as that provided by Section 970.5 of the Streets and Highways Code or any comparable section for change of name by County action. Upon the adoption of a resolution changing such name, notices thereof shall be sent as provided in Section 22.48.080 hereof. (Ord. 4090, 1980; Ord. 3249 §2, 1967.)

Chapter 22.52
REDEVELOPMENT

Sections:

22.52.010 Existence of Blight.

**22.52.020 Application of Community
Redevelopment Law.**

22.52.030 Declaration of Need.

22.52.040 City Council as Agency.

22.52.010 Existence of Blight.

It is hereby found and determined that there exists within the City of Santa Barbara blighted areas as defined in Article 3 (commencing with Section 33030), Chapter 1, Part 1, Division 24 of the California Health and Safety Code, which article is a part of the Community Redevelopment Law. (Ord. 3277 §1(part), 1968.)

22.52.020 Application of Community Redevelopment Law.

Except as herein or otherwise provided the procedures specified and the powers granted in the Community Redevelopment Law, consisting of Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code, shall be applicable in the City. (Ord. 3277 §1(part), 1968.)

22.52.030 Declaration of Need.

It is hereby found and declared, pursuant to Section 33101 of the California Health and Safety Code, that there is need for the Redevelopment Agency created by Section 33100 of such code to function in the City and such Agency is hereby authorized to transact business and exercise its powers under the Community Redevelopment Law and this chapter. (Ord. 3277 §1(part), 1968.)

22.52.040 City Council as Agency.

Pursuant to the provisions of Section 33200 of the California Health and Safety Code, the City Council declares itself to be the redevelopment agency, and all rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law and this chapter in such agency are vested in the City Council. (Ord. 3906, 1977; Ord. 3428 §1, 1970; Ord. 3277 §1(part), 1968.)

Chapter 22.60

STREETS AND SIDEWALKS

Sections:

22.60.010	Definitions.	22.60.210	Abandoned Access Openings - Notice to Restore.
22.60.020	Permit Required, Issuance, Time for Completion.	22.60.220	Abandoned Access Openings - Restoration - Determination and Appeal.
22.60.024	Permit Required for Blasting, House Moving or Heavy Load Transportation.	22.60.230	Barricading Street During Paving, Prohibition of Parking, Detour of Traffic - Generally.
22.60.028	Fees for Permits.	22.60.240	Notice of Closed Streets.
22.60.030	Warranty of Work.	22.60.280	Replacing Pavement.
22.60.070	Contractor to Notify Public Works Department to Inspect Before Commencement.	22.60.290	Conditions of Granting Building Permit Applications or Subdivisions - Generally.
22.60.090	Standards of Materials and Workmanship.	22.60.300	New Lots to be Served by Public Streets - Improvements and Construction.
22.60.100	Standards of Material and Workmanship - Use of Portland Cement.	22.60.310	Completion of Street Construction Before Issuance of Building Permit.
22.60.105	Applications to Make Curb Cut Exceeding Thirty (30) Feet.	22.60.320	Permit Required for Joining Private Street to Official Street System.
22.60.110	Width of Sidewalks - Next to Business Property.	22.60.330	City Personnel to Exert No Dominion Over Private Streets, Etc. - Position of Public Works Department.
22.60.120	Width of Sidewalks - Next to Residential Property.		
22.60.130	Minimum Thickness of Sidewalks.		
22.60.140	Minimum Thickness of Driveways.		
22.60.180	Curing Construction, Etc., Defects.		
22.60.190	Permittee's Duty to Protect Work.		
22.60.200	Closing Abandoned Access Openings in Sidewalks - Generally.		

22.60.010 Definitions.

For the purpose of this chapter:

A) "Commercial or business property" means all property excepting property containing three (3) residential units or less, which property is used solely for residential purposes whether such units be in the same or different structures.

B) "Contractor" means a contractor licensed in accordance with Chapter 9 of Division 3 of the Business and Professions Code (Contractors License Law) of the State of California.

C) "Permittee" means a person who obtained a permit authorized by this chapter.

D) "Public Works Director" means the Public Works Director of the City of Santa Barbara or a person authorized by him.

E) "Residential property" means all property other than commercial or business property.

F) "Working day" means a day that City offices are open for business. (Ord. 4090, 1980; prior Code 39.17.)

22.60.020 Permit Required, Issuance, Time for Completion.

A. Permit. No person shall construct, reconstruct, repair, remove or replace any pavement, sidewalk, driveway, curb, gutter or any other improvements in any public street, alley, court, right-of-way, or public place within the City, or commence any excavation therein, or construct any improvements on public property, easements or rights-of-way owned or to be conveyed to the City without first making application for and obtaining a written permit from the Public Works Director to perform such work.

B. Emergency Repairs. It shall be unlawful for any person to commence any work for which a permit is required by provision of this chapter until a permit for the subject work has been issued by the Public Works Department, except in those cases where emergency repairs of utilities or other excavation work done for the protection of the public safety require street excavation prior to issuance of a permit. This exception shall not apply to any such work done for the protection of public safety unless the person who performs such repairs or work files a complete application for a permit, including the required fees and charges, with the Public Works Department within three (3) working days after commencing such repairs or work and obtains the required permit.

- C. Issuance. Permits issued pursuant to Section 22.60.020 will only be issued to:
1. A contractor with the appropriate classification required to perform the work for which the permit is issued; or
 2. The owner of a single-family residence for the construction of a concrete sidewalk, driveway, curb and gutter adjacent to the parcel upon which said residence is located.
- D. Time for Completion. The time to complete the work for which the permit is issued will be ninety (90) days after the date the permit is issued unless otherwise specified in writing on the permit by the Public Works Director. (Ord. 4090, 1980; prior Code 39.18.)

22.60.024 Permit Required for Blasting, House Moving or Heavy Load Transportation.

No person shall commence any blasting, house moving, or heavy load transportation for which a permit is required by this Code or other ordinance of the City until a permit for that work has been issued by the Public Works Department. (Ord. 4090, 1980.)

22.60.028 Fees for Permits.

The fees for permits authorized by this chapter and inspection charges shall be established by resolution of the City Council. The fees for permits authorized by this chapter that are issued after the work has commenced shall be two times the amount of the fee normally charged for such a permit, except where emergency repairs and work are performed pursuant to Subsection B of Section 22.60.020 of this Code and a permit application has been filed in a timely manner as set forth in said Subsection B. (Ord. 4090, 1980.)

22.60.030 Warranty of Work.

A. Guarantee. In addition to any other guarantee or warranty provided elsewhere by law, every permittee shall provide a guarantee and warranty that there shall be no failure of any work performed that is authorized by a permit issued pursuant to Section 22.60.020 of this Code within two (2) years after the completion of such work. The permittee shall be exonerated from this warranty when it is determined, on appeal pursuant to Subsection C of Section 22.60.030 of this Code, that such failure did not result from work performed by the permittee. Whenever there is any failure of such work within said two-year period, the Public Works Department will give the permittee notice to repair such work to the satisfaction of the Public Works Department. A new two-year warranty period by the permittee shall commence to run with the completion of repairs to any work that has been reconstructed or repaired pursuant to notice by the City.

B. Failure to Repair. If the permittee fails to repair or correct the failed work within forty-eight (48) hours or within a greater time that is specified in the above notice, the City will have the failed work repaired and the costs will be charged to and paid by the permittee within thirty (30) days after receipt of a billing from the City. If the permittee does not pay said billing, or has not posted adequate security to guarantee payment of said billing upon determination of an appeal, the permittee shall not be entitled to a permit under this chapter.

C. Appeal. A permittee may appeal any charges made under this chapter by filing a notice of appeal pursuant to the provisions of Section 1.30.050 of this Code.

D. Current Address. Every person who obtains a permit under this chapter shall notify the Public Works Department of any change of address within two (2) years after the completion of any work under such permit so that there can be prompt notification regarding any failed work. (Ord. 5136, 1999; Ord. 4090, 1980.)

22.60.070 Contractor to Notify Public Works Department to Inspect Before Commencement.

Before beginning the work as authorized by a permit required by Section 22.60.020, the permittee shall notify the Public Works Department and request inspection not less than twenty-four (24) hours in advance of the commencement of such work. (Ord. 4090, 1980; Ord. 2420 §13, 1953.)

22.60.090 Standards of Materials and Workmanship.

The materials and workmanship of all improvements referred to in Section 22.60.020 shall conform to the current standards, specifications and requirements of the City Public Works Department as approved by the Public Works Director and on file with the City Clerk. (Ord. 4090, 1980; prior Code §39.24.)

22.60.100 Standards of Material and Workmanship - Use of Portland Cement.

No material other than Portland cement concrete shall be used for the permanent construction of sidewalks, driveways, curbs or curb and gutters in or adjacent to any street, alley, court or public place within the City. (Prior Code §39.25.)

22.60.105 Applications to Make Curb Cut Exceeding Thirty (30) Feet.

Applications to make curb cuts exceeding thirty (30) feet in length will not be issued, unless approved by the City Administrator. (Ord. 4090, 1980.)

22.60.110 Width of Sidewalks - Next to Business Property.

Sidewalks contiguous to commercial or business property shall begin at the curb and extend the full width as required under Section 22.60.120, so as to leave no unpaved surface between the curb and sidewalk except as may be permitted by the City Council upon petition of the majority of the property owners abutting such street on the same side thereof within the nearest two (2) intersections. (Prior Code §39.26.)

22.60.120 Width of Sidewalks - Next to Residential Property.

Sidewalks contiguous to residential property shall have the following minimum widths; provided, that the City Council may grant permission for a lesser width where circumstances require such reduction;

- (1) Six feet (6') for streets having a right-of-way width of more than sixty feet (60').
- (2) Five feet (5') for streets having a width of sixty feet (60') or less. (Ord. 4090, 1980; prior Code §39.27.)

22.60.130 Minimum Thickness of Sidewalks.

No sidewalk shall be less than three and one-half inches (3-1/2") in thickness. (Prior Code §39.28.)

22.60.140 Minimum Thickness of Driveways.

The thickness of driveways shall be as follows:

- (1) To residential property, not less than six inches (6").
- (2) To commercial or business property, not less than eight inches (8"). (Prior Code §39.29.)

22.60.180 Curing Construction, Etc., Defects.

When the Public Works Director requires defective construction or materials removed from a job authorized under Section 22.60.020, the contractor shall make satisfactory replacement before the work shall be finally accepted. (Ord. 4090, 1980; prior Code §39.33.)

22.60.190 Permittee's Duty to Protect Work.

The permittee shall adequately protect the work at all times and take all necessary precautions to prevent accidents during the progress thereof up to the time of final acceptance and he shall hold the City, its officers and employees free and save them harmless from any and all liability arising directly or indirectly out of or on account of the prosecution of the work performed under this chapter. Protective measures shall include furnishing and maintaining adequate barriers, lights, signs, temporary bridges, guards, watchman and the maintenance of detours as the same may be required for the safe and satisfactory execution of the work and the protection of the public up to the final acceptance of the project. Surplus materials, equipment and debris shall be removed immediately following the completion of the work. (Ord. 4090, 1980; prior Code §39.34.)

22.60.200 Closing Abandoned Access Openings in Sidewalks - Generally.

The Public Works Director is authorized to inspect all existing driveways, entrances, entries and other access openings through curb lines to streets in the City, and when the use of adjacent property is abandoned, or consolidated with the use of other property, or changed in nature, so as to no longer require any driveway, entrance, entry or access for the use of such property, the Public Works Director is hereby authorized to close such openings by replacing such curb, gutter, sidewalk or other work as is necessary to restore normal pedestrian, parking and gutter use. (Ord. 4090, 1980; prior Code §39.35.)

22.60.210 Abandoned Access Openings - Notice to Restore.

In any instance in which the Public Works Director determines that replacement restoration referred to in Section 22.60.200 is necessary because of abandonment of use, he shall cause notice by registered mail to be sent to the owners of the property adjacent to the opening in the curb, the use of which has been abandoned and to the person in possession of such property, to the address where such property is located and where the proposed replacement is to be made. Such notice shall state the proposed replacement, the determination of abandoned use and the date of commencement of work of such replacement. In no instance shall the date so stated for commencement of such work be less than thirty (30) days from the time of mailing such notice. (Ord. 4090, 1980; prior Code §39.35.)

22.60.220 Abandoned Access Openings - Restoration - Determination and Appeal.

The determination of abandonment of use and required replacement by the Public Works Director as outlined in Section 22.60.210 shall be final; provided, that upon application by the property owner to the City Council and upon proper showing at a regular meeting thereof, the Council may grant such relief from such proposed replacement and restoration as in its judgement the exigencies of the case may demand. Any such application to the City Council must be filed with the City Clerk not more than ten (10) days after the property owner received the notice provided in Section 22.60.210. (Ord. 4090, 1980; prior Code §39.37.)

22.60.230 Barricading Street During Paving, Prohibition of Parking, Detour of Traffic - Generally.

Whenever any street or portion of street in the City is being improved by grading, paving or other street improvement the Public Works Department may barricade and close such street or any portion of the street, prohibit parking thereon and detour traffic for such length of time as may be necessary to complete such work of improvement or allow such work of improvement to harden properly, set or become in condition for travel. (Ord. 4090, 1980; prior Code §39.5.)

22.60.240 Notice of Closed Streets.

In all cases of closing streets pursuant to Section 22.60.230 the Public Works Department shall place, or cause to be placed, barriers, obstructions or legible notices to indicate the closed condition of the closed area. (Ord. 4090, 1980; prior Code §39.6.)

22.60.280 Replacing Pavement.

No person shall remove, disturb or displace any part of the bituminous, concrete, or asphalt pavement of any street within the limits of the City for laying pipes, repairing streets or for any other purposes, unless pursuant to the current standards, specifications and requirements authorized under Section 22.60.090 of this Code. (Ord. 4090, 1980; prior Code §39.10.)

22.60.290 Conditions of Granting Building Permit Applications or Subdivisions - Generally.

No building permit application or subdivision shall be granted, except upon compliance with the terms and conditions contained in this Code. (Ord. 4090, 1980; prior Code §39.11.)

22.60.300 New Lots to be Served by Public Streets - Improvements and Construction.

A. GENERAL REQUIREMENT. Each lot created by a subdivision as to which a tentative map is approved after December 16, 1986 shall front upon a public street constructed according to the applicable specifications for streets, unless (i) the lot is served by a private road, lane, drive or driveway which serves no more than two (2) lots, or (ii) the Planning Commission (or City Council on appeal) waives this requirement.

B. APPLICATION FOR WAIVER. A property owner may file a request for a waiver of the requirement in Subsection A with the Public Works Department. The request shall contain all necessary information required by the Public Works Department and shall be accompanied by the required fee. The Public Works Director or the person designated by the Public Works Director shall review the request and recommend to the Planning Commission that the request should be (i) approved or approved with conditions which would allow the lots to be served by a private road, lane, drive or driveway, rather than a public street or (ii) denied.

C. HEARING. The Planning Commission, or City Council on appeal, shall conduct a public hearing to determine whether the request should be (i) approved or approved with conditions which would allow the lots to be served by a private road, lane, drive or driveway, rather than a public street, or (ii) denied.

D. NOTICE. Not less than ten (10) days before the date of the public hearing, notice of the date, time and place of the hearing, location of the subject property and nature of the request shall be given to owners of (i) each lot abutting the subject property, (ii) any private road, lane, way or driveway needed for access to the subject property and (iii) each lot abutting any such private roads, lanes, ways and driveways. For this purpose, the last known name and address of the owners as shown upon the last assessment roll of the County of Santa Barbara shall be utilized.

E. FINDINGS. The Planning Commission, or City Council on appeal, may grant a waiver if it finds all of the following:

1. The proposed roadway, lane, drive or driveway will provide adequate access to the subject property and other properties using said roadway, lane, drive or driveway.

2. The proposed roadway, lane, drive or driveway and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited to turnaround area, width, grade and construction.

3. There is adequate provision for maintenance of the proposed private road, lane, drive or driveway by either of the following:

a. There is a recorded agreement that provides for adequate maintenance of said road, lane, drive or driveway, or

b. The owner of the subject property has agreed to adequately maintain said private road, lane, drive or driveway and said agreement has been or will be recorded prior to recordation of the final or parcel map.

4. The waiver is in the best interests of the City and will improve the quality and reduce the impacts of the proposed development.

F. REQUIRED CONDITIONS. If a waiver is granted, the following conditions shall be imposed:

1. The owner must execute and cause to be recorded on form provided by the City, a waiver of the right to protest the formation of an assessment district proposed for the purpose of street, roadway or related improvements.

2. The private roads, lanes, drives and driveways permitted under this Section shall be constructed and installed in compliance with the Subdivision Design and Improvement Standards approved by resolution of the City Council.

3. The proposed private road, lane, drive or driveway has been or will be constructed to the standards approved by the Public Works Director and if the road, lane, drive or driveway has not been constructed, adequate improvement security to guarantee such construction has been given to the City's Public Works Department.

4. An agreement for maintenance of the proposed private road, lane, drive or driveway, subject to the review and approval of the Public Works Director and City Attorney, has been or will be recorded.

G. ADDITIONAL CONDITIONS. The Planning Commission or City Council may impose other conditions on a waiver which are consistent with the intent and purposes of this Section.

H. APPEAL TO CITY COUNCIL. Any decision of the Planning Commission concerning a waiver request under this Section may be appealed in accordance with the provisions of Section 1.30.050 of this Code. (Ord. 5136, 1999; Ord. 4442, 1987; Ord. 4090, 1980; prior Code 39.12.)

22.60.310 Completion of Street Construction Before Issuance of Building Permit.

No building permit shall be granted for building construction upon new lots or parcels created subject to the terms of Section 22.60.300 until all of the construction of required streets and private roads, lanes, drives and driveways has been completed or improvement security for such completion has been filed with and accepted by the Public Works Department. (Ord. 4442, 1987; Ord. 4090, 1980; Ord. 2633 §1, 1957; prior Code §39.13.)

22.60.320 Permit Required for Joining Private Street to Official Street System.

No street, lane, alley, way, road, right-of-way, passage or thoroughfare shall be connected with the official street system of the City, without a written permit therefor issued by the Public Works Department. The word "street" as used in this section shall be defined as any lane, alley, way, road, right-of-way, passage or thoroughfare serving more than two (2) separate lots or parcels. (Ord. 4090, 1980; prior Code §39.14.)

22.60.330 City Personnel to Exert No Dominion Over Private Streets, Etc. - Position of Public Works Department.

No officer, agent or employee of the City shall perform any repair, maintenance, upkeep, or take any remedial or corrective action, nor exert any dominion, control or jurisdiction, nor to do any act upon or in connection with any street, lane, alley, way, road, right-of-way, driveway, passage or thoroughfare in the City which is not an official street of the City, as designated upon the official street map of the City. This shall not be construed to prevent the Public Works Department from carrying on its service functions pursuant to its rules and regulations, or from installing mains and incidental facilities in any such street, lane, alley, way, road, right-of-way, driveway, passage or thoroughfare within specially granted easements for use of the subsurface thereof. (Ord. 4090, 1980; prior Code §39.15.)

Chapter 22.64

GATES

Section:

22.64.010 Generally.

22.64.010 Generally.

Each gate on or near the line of any public street or alley of the City shall be so hung that the same shall swing inward from such street or alley; or such gate shall be provided with a spring, or other arrangement, so as to make such gate self-closing, and so that the same shall not obstruct, or be liable to obstruct, the free use in the customary manner of any such street or alley, nor be, or liable to become inconvenient, injurious or dangerous to a person walking along any such street or alley, or the sidewalk. (Ord. 3144 §1, 1966; prior Code §32.17.)

Chapter 22.68

ARCHITECTURAL BOARD OF REVIEW

Sections:

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22.68.010 Created - Purpose.

An Architectural Board of Review is hereby created and established for the City to promote the general public welfare of the City and to protect and preserve the natural and historical charm and beauty of the City and its aesthetic appeal and beauty. (Ord. 3757 §35, 1975; Ord. 3646 §1, 1974.)

22.68.020 Membership.

The Architectural Board of Review shall be composed of nine (9) members to be appointed as provided in the charter. At least two (2) members of such Board shall be licensed architects, practicing their profession in the City, at least two (2) members of such Board shall be licensed landscape architects, practicing their profession in the City, and at least three (3) other members shall possess professional qualifications in related fields, including, but not limited to, building design, structural engineering or industrial design. These members shall serve without compensation and shall hold office at the pleasure of the appointive power. (Ord. 5050, 1998; Ord. 3792 §1, 1975; Ord. 3646 §1, 1974.)

22.68.030 Officers - Quorum.

The members of the Architectural Board of Review shall elect from their own members a chairman and vice-chairman. The Community Development Director or his assistant or deputy shall act as secretary and record Board action and render written reports thereof for the Board as required by this Chapter. The Board shall adopt its own rules of procedure. Four (4) members shall constitute a quorum, one (1) of which shall be an architect. (Ord. 4701, 1991; Ord. 3792 §1, 1975; Ord. 3646 §1, 1974.)

22.68.040 Applicability.

A. BUILDING PERMITS - NONRESIDENTIAL, MULTIPLE RESIDENTIAL, TWO OR MORE STORY DUPLEX, TWO OR MORE DETACHED RESIDENTIAL UNITS AND MIXED USE. Except for properties located within El Pueblo Viejo Landmark District or another landmark district, and except for designated Landmarks, Structures of Merit, and properties on the City's Potential Historic Resources List [see Chapter 22.22], all applications for building permits to erect or alter the exterior of a non-residential, multiple residential, two or more story duplex or mixed use (residential and non-residential) building or structure, or which will result in two or more detached residential units on one lot, shall be referred to the Architectural Board of Review for review.

B. BUILDING PERMITS - SINGLE-RESIDENTIAL AND ONE-STORY DUPLEX UNITS, NEIGHBORHOOD PRESERVATION. Except for properties located within El Pueblo Viejo Landmark District or another landmark district, and except for designated Landmarks, Structures of Merit, and properties on the City's Potential Historic Resources List [see Chapter 22.22], applications for building permits to erect or alter the exterior of a single residential or one-story duplex building or structure shall be referred to the Architectural Board of Review for review if:

1. Any portion of the lot or lots is in a special design district described in Section 22.68.110; or
2. All new, and all additions to existing single-residential and one-story duplexes, garages, and accessory structures on the lot will result in a combined floor area in excess of four thousand (4,000) square feet or a floor area to lot area ratio of thirty-five percent (35%) or greater; or
3. All additions, demolition and replacement, remodel or reconstruction projects which will result in an increase in the combined floor area of all structures on the site of more than fifty percent (50%) above the combined floor area of all structures constructed pursuant to valid building permits, existing on the site as of July 1, 1992.
4. Notwithstanding any other provision of this Code, an accessory dwelling unit being constructed on an R-2 lot pursuant to the authority of Santa Barbara Municipal Code Section 28.18.075(E).

C. GRADING AND VEGETATION REMOVAL PERMITS. All applications for grading permits involving grading and all vegetation removal permits on a lot or lots located within a Special Design District described in Section 22.68.110, shall be referred to the Architectural Board of Review or the Historic Landmarks Commission for review, as applicable. In order to approve any grading or vegetation removal permit, the Architectural Board of Review or Historic Landmarks Commission must find, in addition to the findings in Section 22.68.060, that the proposed grading or vegetation removal permit:

1. Will result in no significant increase in siltation or decrease in water quality of streams, drainages or water storage facilities to which the property drains; and
2. Will result in no substantial loss of southern oak woodland habitat; and
3. Is in compliance with all applicable provisions of Chapter 22.10, Vegetation Removal, of this Code.

D. GRADING PLANS. All subdivision grading plans involving grading on a lot or lots located within a Special Design District described in Section 22.68.110, shall be referred to the Architectural Board of Review or the Historic Landmarks Commission for review, as applicable.

E. EXTERIOR COLOR. Any change of the exterior color of a non-residential building or a residential project with more than two residential units which is subject to the review of the Architectural Board of Review for another alteration, shall be referred to the Architectural Board of Review for review of exterior color.

F. OUTDOOR LIGHTING. Any change of, or addition to the outdoor lighting of any building or property subject to review by the Architectural Board of Review shall comply with Chapter 22.75 and with the Outdoor Lighting Design Guidelines.

G. HIGHWAY 101 IMPROVEMENTS. Improvements to Highway 101 or appurtenant highway structures which require a Coastal Development Permit pursuant to Municipal Code Section 28.45.009 and which are located within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Municipal Code Section 22.68.110 shall be referred to the Architectural Board of Review for review, except for improvements to those portions of Highway 101 and its appurtenant structures that are located within the El Pueblo Viejo Landmark District subject to review pursuant to SBMC §22.22.140(B).

H. SUBMITTAL REQUIREMENTS. Applications for review by the Architectural Board of Review shall be made in writing in such form as is approved by the Director of Community Development. Submittal requirements shall be established subject to approval by the Community Development Director. (Ord. 5333, 2004; Ord. 5271, 2003; Ord. 5035, 1997; Ord. 4995, 1996; Ord. 4940, 1996; Ord. 4878, 1994; Ord. 4849, 1994; Ord. 4768, 1992; Ord. 4725, 1991; Ord. 4701, 1991; Ord. 4076, 1980; Ord. 4040, 1980; Ord. 3835, 1976; Ord. 3646 §1, 1974.)

22.68.041 Temporary Applicability Standard for Tall and Large Construction.

Notwithstanding any other provision of this Code, any application for a building permit submitted after September 30, 2005, for any addition, demolition and replacement, remodel or reconstruction that will result in a single-family residential structure that: 1. is either two stories tall or has a maximum building height of more than seventeen (17) feet measured from natural grade, and 2. increases the combined floor area of all structures on the site by more than fifty percent (50%) above the combined floor area of all structures constructed pursuant to valid building permits existing on the site as of July 1, 1992, shall be referred to the Architectural Board of Review for review and approval according to Sections 22.68.050 through 22.68.100 of this Chapter. Any permit application referred to the Architectural Board of Review pursuant to this Section 22.68.041 shall not be subject to the exceptions specified in Section 22.68.045. (Ord. 5375, 2005.)

22.68.045 Exceptions.

A. ADMINISTRATIVE APPROVAL. Minor design alterations specified in the ABR Design Guidelines may be approved as a ministerial action by the Community Development Director or his/her representative without review by the Architectural Board of Review. The Community Development Director or his/her representative shall have the authority and discretion to refer any minor design alteration to the Architectural Board of Review if the alteration has the potential to have an adverse effect on the architectural integrity of the building, structure or surrounding property. Designated City Landmarks and Structures of Merit are not eligible for administrative approvals.

B. EXCEPTIONS TO REVIEW BY THE ARCHITECTURAL BOARD OF REVIEW IN THE HILLSIDE DESIGN DISTRICT. One-family and one-story two-family structures in the Hillside Design District will not be subject to review and approval by the Architectural Board of Review if:

1. The average slope of the building site and the entire property is less than twenty percent (20%); and
2. The project will involve no more than 250 cubic yards of grading beyond the footprint of the main building; and
3. The project will not exceed the criteria outlined in Paragraphs 22.68.040.B.2 and B.3 above. If the project does exceed the criteria pursuant to Paragraphs 22.68.040.B.2 and B.3, it may be eligible for an exception pursuant to Paragraph 22.68.045.C below.

C. EXCEPTIONS TO REVIEW BY THE ARCHITECTURAL BOARD OF REVIEW FOR PROJECTS NOT SUBJECT TO THE SPECIAL DESIGN DISTRICTS. A one-family or one-story two-family structure will not be subject to review and approval by the Architectural Board of Review if it is not subject to review due to its location within a Special Design District and:

1. The project does not exceed one story and a basement with a maximum building height of seventeen (17) feet measured from natural grade; or
2. The project results in a total combined floor area, including the existing and proposed dwelling, garage and accessory buildings, of two thousand five hundred (2500) square feet or less; or
3. The project meets the criteria in Subsection 22.68.040.B above, and meets all of the following criteria:
 - a. No approvals by the City Council, Planning Commission or Modification Hearing Officer will be needed in order to build the house or the addition.
 - b. The project will be designed in a single architectural style. In determining single architectural style, the following elements shall be taken into consideration: roof pitch and materials, window and door style and materials, window proportions and exterior colors and materials.
 - c. A minimum of seventy-five percent (75%) of the length of each exterior wall of the second story on a new house or a second story addition to an existing house will be set back a minimum of one and one-half times the required interior yard setback, not including uncovered decks or balconies, for all interior yards. Rear yards in the R-3 and R-4 zones are excluded.
 - d. The new house or the addition will not exceed 25 feet in height above natural grade at any point, exclusive of architectural elements such as chimneys, vents, antennae and towers that do not add floor area to the building. All portions of the roof are included in the building height.
 - e. No portion of the building will cantilever beyond the face of the structure below by more than four feet (4').
 - f. All new site retaining walls will either i) be less than forty-two inches (42") in height; or ii) will not exceed six feet (6') in height, will be faced with sandstone, fieldstone, slumpstone, adobe or similar natural-appearing materials and the total length of all retaining walls on the site, not including those that are part of buildings, will not exceed 150 feet.
 - g. There will be no more than 250 cubic yards of grading (cut and/or fill) outside the footprint of the building(s).
 - h. No specimen tree, skyline tree, designated Historic or Landmark tree, or oak tree with a diameter of four inches (4") or more at four feet (4') above natural grade, will be removed.

D. **REBUTTABLE PRESUMPTION.** There is a rebuttable presumption that any grading, construction of retaining walls or removal of trees which occurs within two years prior to submittal of an application for a building permit or for review by the Architectural Board of Review to erect or alter a one-family or one-story two-family structure or related accessory structures was done in anticipation of such application and said activities will be included in determining whether or not the exceptions in Subsections 22.68.045.A and B above are applicable to the project. (Ord. 4892, 1994; Ord. 4768, 1992.)

22.68.050 Environmental Review.

Prior to being approved by the Architectural Board of Review, all applications for building, vegetation removal and grading permits and all subdivision grading plans covered by this Chapter shall first be processed through the environmental review procedure pursuant to the guidelines adopted by the City to implement the California Environmental Quality Act. (Ord. 4878, 1994; Ord. 4701, 1991; Ord. 3646 §1, 1974.)

22.68.060 Neighborhood Preservation Ordinance Findings.

The Architectural Board of Review shall find that all of the following criteria are met prior to approving any application subject to review because it satisfies the Neighborhood Preservation applicability standards of Chapter 22.68 Subsection 22.68.040.B or the property is located within the Hillside Design District [see Subsection 22.68.110.A.2 of Chapter 22.68]. Findings are not required if the application satisfies an exception per Chapter 22.68 Subsection 22.68.045.B or C.

A. The public health, safety and welfare will be protected.

B. The grading and development will be appropriate to the site, have been designed to avoid visible scarring, and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.

C. The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum trunk diameter of four inches (4") measured four feet (4') from the base of the trunk. Any specimen tree, skyline tree, or oak tree with a diameter of four inches (4") or more at four feet (4') above natural grade that must be removed will be replaced on a one-to-one basis, at a minimum. Designated Specimen, Historic and Landmark trees will not be removed.

D. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood.

E. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.

F. The development will preserve significant public scenic views of and from the hillside. (Ord. 4995, 1996; Ord. 4768, 1992; Ord. 4725, 1991.)

22.68.065 Architectural Board of Review Notice and Hearing.

A. **PUBLIC HEARING.** The Architectural Board of Review shall hold a public hearing prior to taking action on any project described in Paragraph B of this Section. Not less than ten calendar days before the date of the public hearing, the City shall cause notice of the right to appear and be heard; the date, time and place of the hearing; the location of the property; and the nature of the request to be sent by first class mail to the applicant and to the current record owner of any lot, or any portion of a lot, which is located not more than one hundred feet from the exterior boundaries of the lot which is the subject of the action. In addition to the required manners of notice specified above, the City may also require notice of the hearing in any other manner it deems necessary or desirable, including, but not limited to, posted notice on the project site. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

Whenever a project requires another land use action by the City Council, the Planning Commission or the Staff Hearing Officer, the mailed notice of hearing for the first concept hearing before the Architectural Board of Review shall satisfy the notice requirements of this Section or the notice requirements for the other land use action, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Architectural Board of Review to be published in a newspaper or 2. mailed notice of hearings before the Architectural Board of Review after the first concept review hearing, except as otherwise provided in the Architectural Board of Review Guidelines adopted by resolution of the City Council.

B. **PROJECTS THAT REQUIRE PUBLIC HEARING.** Projects which must be preceded by a public hearing prior to Architectural Board of Review action are:

1. New single residential units or one story duplex units,
2. Additions of over 500 square feet or a new story to a single residential unit or one story duplex unit,
3. New multi-unit residential buildings or two story duplex units,
4. Additions of over 500 square feet or changes resulting in an additional residential unit in a multi-unit residential building,
5. Small non-residential additions as defined in Chapter 28.87,
6. Projects involving substantial grading or exterior lighting, or

7. Projects that would not otherwise require mailed notice and that in the judgment of the Architectural Board of Review or the Community Development Director could result in a significant or substantial deprivation of private property rights of other landowners.

C. **PIECEMEAL PROJECTS REQUIRE HEARING.** All applications for grading permits, building permits, or any other permit for the same site, if submitted to the City within two years of any prior application date, are included in the calculations to determine whether a project meets the criteria in Subsection B of this Section. (Ord. 5380, 2005; Ord. 4995, 1996.)

22.68.070 Architectural Board of Review Referral to Planning Commission.

A. **PLANNING COMMISSION APPROVAL.** Applications for residential development covered by this Chapter shall be reviewed and approved, disapproved or conditionally approved by the Planning Commission, in accordance with any standards set forth by Council Resolution, prior to final Architectural Board of Review action on the application whenever:

1. The project requires the preparation of an environmental impact report ("EIR") pursuant to the California Environmental Quality Act; or
2. Any portion of the site is located within the Hillside Design District and the floor area of all existing and proposed structures exceeds a cumulative total of six thousand five hundred (6,500) square feet; or
3. Any portion of the site is located within the Hillside Design District and the amount of grading exceeds five hundred (500) cubic yards of grading (cut and/or fill) on the lot excluding grading necessary for the building foundation for the main buildings.

The Planning Commission shall find that the criteria set forth in Section 22.68.060 are met prior to approving any application reviewed under this Subsection.

B. **PLANNING COMMISSION COMMENTS.** When the Architectural Board of Review determines that a project is proposed for a site which is highly visible to the public, the Board may, prior to taking final action on the application, require presentation of the application to the Planning Commission solely for its comments to the Architectural Board of Review.

C. **PLANNING COMMISSION NOTICE AND HEARING.** The Planning Commission shall hold a public hearing prior to taking any action on a project subject to its review and approval or comments under this Section. Not less than ten calendar days before the date of the public hearing, the City shall cause notice of the right to appear and be heard; the date, time and place of the hearing; the location of the property; and the nature of the request to be sent by first class mail to the current record owner of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. In addition to the required manners of notice specified above, the City may also require notice of the hearing in any other manner it deems necessary or desirable, including, but not limited to, posted notice on the project site. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given. (Ord. 5380, 2005; Ord. 4995, 1996; Ord. 4849, 1994; Ord. 4768, 1992; Ord. 4725, 1991.)

22.68.080 Appeal to Council - Notice and Hearing.

A. **PROCEDURE FOR APPEAL.** Any action of the Board or the Planning Commission taken under this Chapter 22.68 may be appealed to the City Council by the applicant or any interested person pursuant to Chapter 1.30 of this Code. In deciding such an appeal, the City Council shall make those findings required of the Board or the Commission with respect to a determination made pursuant to this Chapter.

B. **NOTICE OF APPEAL.** In addition to the procedures specified in Chapter 1.30, notice of the public hearing before the City Council on an appeal from a decision of the Architectural Board of Review or the Planning Commission made pursuant to this Chapter 22.68 shall be provided in the same manner as notice was provided for the hearing before the Architectural Board of Review or the Planning Commission.

C. **FEE FOR APPEAL.** At the time of filing an appeal, the appellant shall pay a fee in the amount established by resolution of the City Council. (Ord. 5380, 2005; Ord. 4995, 1996; Ord. 4701, 1991; Ord. 3944, 1978; Ord. 3646 §1, 1974.)

22.68.090 Fees.

No application required to be referred to the Architectural Board of Review shall be considered complete and no appeal of the Board's decision shall be considered complete unless accompanied by the application fee or appeal fee in the amount established by resolution of the City Council. (Ord. 3955 §6, 1978; Ord. 3646 §1, 1974.)

22.68.100 Issuance of Permits.

No building or grading permit, nor approval of a subdivision grading plan, the application for which is subject to the review of the Architectural Board of Review or the Historic Landmarks Commission pursuant to this Chapter, shall be issued without the approval of the Board or the Commission, or, on appeal, by the City Council. (Ord. 4849, 1994; Ord. 3646 §1, 1974.)

22.68.110 Special Design Districts.

A. **DISTRICT IDENTIFICATION.** The following are identified as Special Design Districts:

1. **MISSION AREA SPECIAL DESIGN DISTRICT.** All real property located within one thousand feet (1000') of Part II of El Pueblo Viejo Landmark District, as legally described in Section 22.22.100(b).
2. **HILLSIDE DESIGN DISTRICT.** All real property within the Hillside Design District as delineated on the maps labeled "Hillside Design District" which is part of this Code and is shown at the end of this Chapter. All notations, references, and other information shown on said map are incorporated herein and made a part hereof. The entirety of any annexation shall become a part of the Hillside Design District upon annexation.
3. **HIGHWAY 101 SANTA BARBARA COASTAL PARKWAY SPECIAL DESIGN DISTRICT.** All real property within the State owned or leased right-of-way of Highway 101 and all City owned or leased right-of-way which intersects Highway 101 within the S-D-3 Coastal Overlay Zone (SBMC Chapter 28.44).
4. **LOWER RIVIERA SURVEY AREA - BUNGALOW DISTRICT.** All real property within "Lower Riviera Survey Area – Bungalow District" as shown on the map labeled as such and appended to the end of this Chapter – hereinafter referred to as the "Bungalow District." (Ord. 5380, 2005; Ord. 5333, 2004; Ord. 4940, 1996; Ord. 4768, 1992; Ord. 4725, 1991; Ord. 3646 §1, 1974.)

22.68.115 Special Design District – Lower Riviera Survey Area (Bungalow District).

A. **SPECIAL DESIGN DISTRICT AREA MAP – LOWER RIVIERA SURVEY AREA - BUNGALOW DISTRICT.** All applications for a building permit for improvements on real property within the special R-3 zone design district known as the "Lower Riviera Survey Area - Bungalow District" established pursuant to SBMC Section 22.68.110 shall be subject to the design review provision of this Section.

B. **REVIEW OF BUILDING PERMIT APPLICATIONS.** An application for a building permit to alter a structure located within the Bungalow District shall be referred to the Community Development Director for review to determine if the application constitutes a project to demolish the structure. For the purposes of this Section, a "demolition" shall be as defined in subparagraph (K) of Santa Barbara Municipal Code Section 22.22.020. Such a determination shall be made in writing within thirty (30) days of the date of the original application. If the Community Development Director determines that the application does constitute an application to demolish the structure, such application shall be referred to the City's Architectural Board of Review for review by the Board in accordance with the requirements of this Section. If the Community Development Director determines that the application does not constitute a demolition under the terms of this Section, the building permit shall be issued upon compliance with the otherwise applicable requirements of this Code for appropriate and required design and development review.

C. **REVIEW OF DEMOLITION APPLICATIONS BY THE ABR.** An application referred to the Architectural Board of Review pursuant to Subsection B above shall be reviewed by the ABR in accordance with the hearing, noticing, and appeal procedures established in SBMC Sections 22.68.065 and 22.68.080. An application referred to the Architectural Board of Review pursuant to Subsection B above shall not be approved unless the Architectural Board of Review makes all of the following findings with respect to that application:

1. That the demolition will not result in the loss of a structure containing a primary feature or features of Bungalow or Arts and Crafts style residential architecture, which features are worthy of or appropriate for historical preservation;
2. That the demolition will not result in the loss of a structure which, although not eligible as a City Historic Resource, is a prime example of the Bungalow or Arts and Crafts style residential building appropriate for historical preservation;
3. That the demolition will not result in the loss of a structure which is prominent or which is a prime example of the Bungalow or Arts and Crafts style residential architecture for which this neighborhood is characterized or known.

D. **ABR CONDITIONAL APPROVAL OF DEMOLITION WITHIN THE BUNGALOW DISTRICT.** Notwithstanding the above-stated requirement for appropriate demolition findings, the ABR may approve a demolition application within the Bungalow District if the ABR conditions the demolition permit such that any proposed future development of the real property upon which the structure or structures are located must comply with express conditions of approval designed to preserve certain existing architectural features or buildings, as determined appropriate by the ABR.

Such conditions may provide that any future development of the property involved must either incorporate the existing structures, in whole or in part, into the new development, or it must preserve certain features or aspects of the existing structures or of the site such that these features are incorporated into any future development of the real property, either through the preservation of the building or feature or its replication in the new development, as may be determined appropriate by the ABR.

Such conditions of approval shall be prepared in written format acceptable to the Community Development Director and the City Attorney and shall be recorded in the official records of Santa Barbara County with respect to the involved real property such that these conditions shall be binding on all future owners of the real property as conditions imposed on any new development for a period of twenty (20) years after the conditional approval of the original demolition application and the completion of the demolition.

E. REVIEW OF NEW DEVELOPMENT WITH BUNGALOW DISTRICT BY ARCHITECTURAL BOARD OF REVIEW. Any application for a new structure or development within the Bungalow District, in addition to whatever form of City design review may be necessitated by other provision of this Code, shall also be referred to the Architectural Board of Review for development plan review and approval in accordance with the public hearing, noticing and appeal requirements of SBMC Section 22.68.065 and 22.68.080, provided that the property owner/applicant may be required to submit those development plan materials deemed necessary for full and appropriate review by the ABR prior to the ABR hearing.

The ABR shall not approve a new development within the Bungalow District unless it makes both of the following findings:

1. Express conditions of approval have been imposed on the proposed development which appropriately incorporate the existing structures or architectural features or other aspects of these structures (or of the site involved) into the new development, or these structures, features or aspects will be appropriately replicated in the new development;

2. The proposed development will not substantially diminish the unique architectural style and character of the Bungalow District as a residential neighborhood of the City.

F. GUIDELINES FOR SPECIAL DESIGN DISTRICT. Within 180 days of the adoption of the ordinance approving the codification of this Section, the City Council, acting by resolution and after consultation with the ABR, the Historic Landmarks Commission (the "HLC"), and the Planning Commission, shall review and approve design and preservation guidelines intended for the purposes of defining and thereafter preserving the unique character and style of the Bungalow District neighborhood, which neighborhood guidelines shall thereafter provide direction and appropriate guidance to the ABR, the HLC, and the Planning Commission and City staff in connection with the review of applications filed pursuant to this Section. (Ord. 5333, 2004.)

22.68.120 Signs.

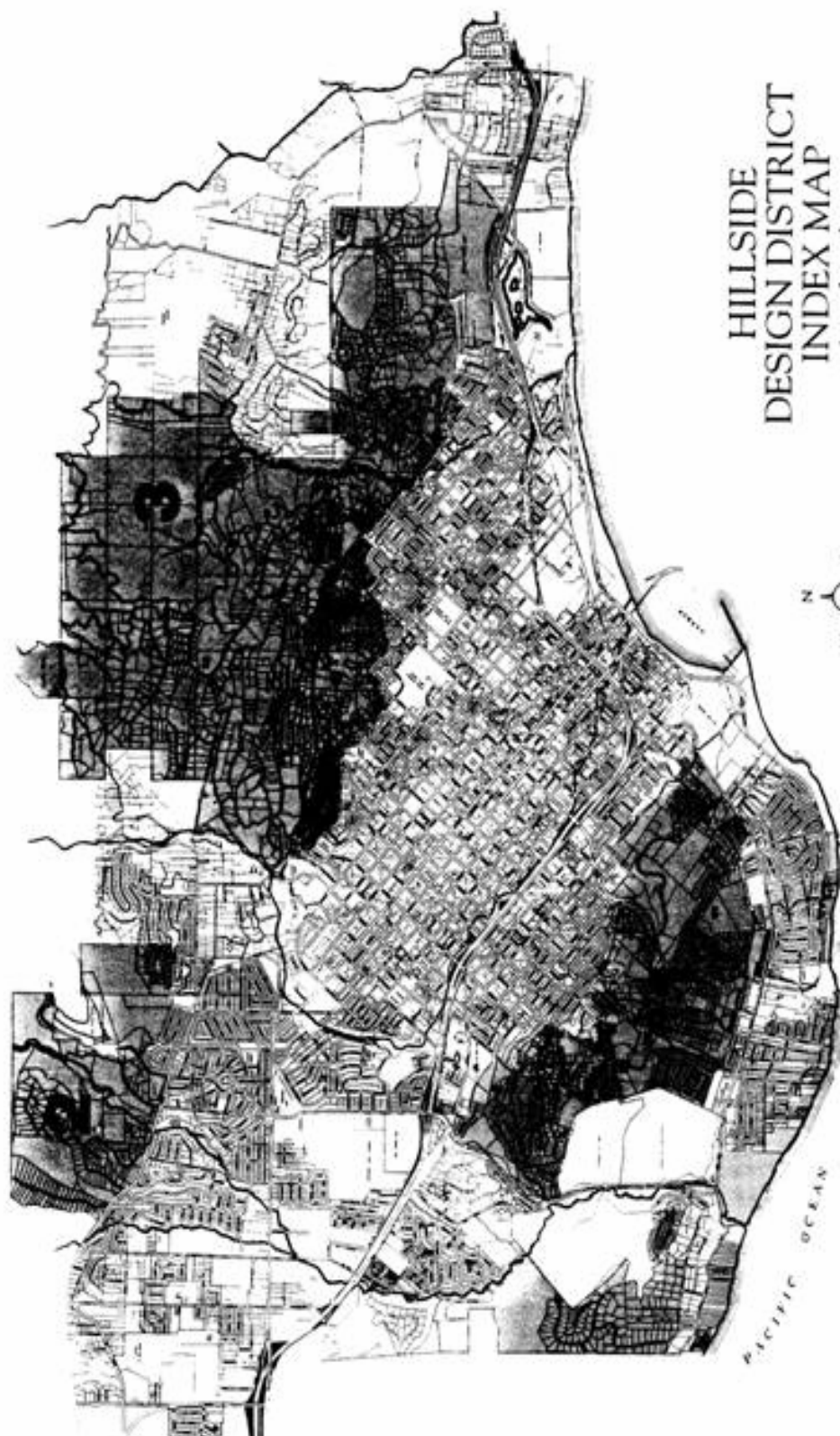
Application for sign permits shall be considered by the Architectural Board of Review only upon an appeal filed pursuant to Section 22.70.050.9 of this Code. (Ord. 4101, 1981; Ord. 3646 §1, 1974.)

22.68.130 Approval of Plans for Buildings, or Structures, on City Lands.

No building or structure shall be erected upon any land owned or leased by the City, or allowed to extend over or upon any street, or other public property, unless plans for the same and the location thereof shall first have been submitted to the Architectural Board of Review or the Historic Landmarks Commission, as applicable, for its approval. (Ord. 4849, 1994; Ord. 4701, 1991; Ord. 3646 §1, 1974.)

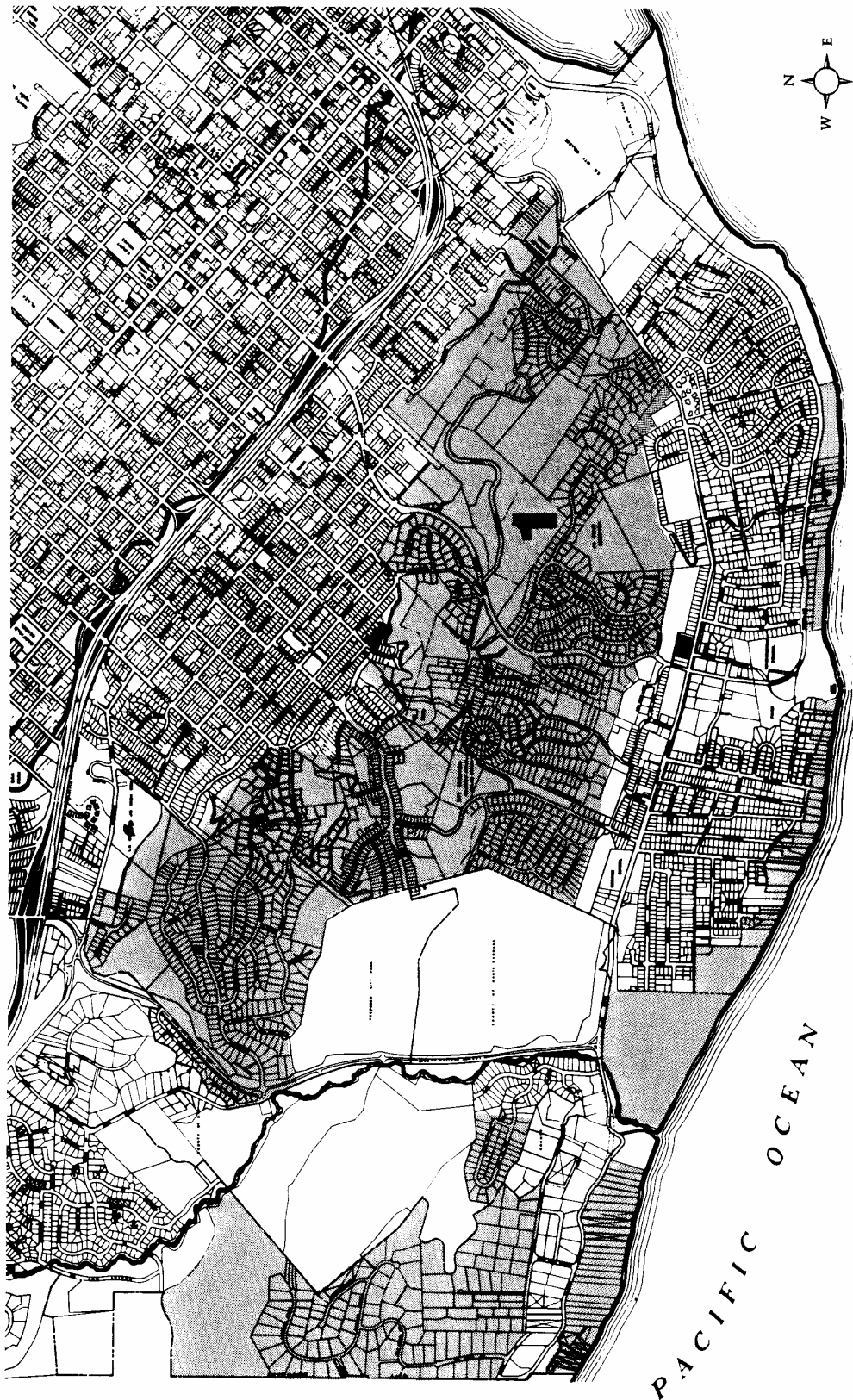
22.68.140 Disqualification of Members for Interest in Buildings.

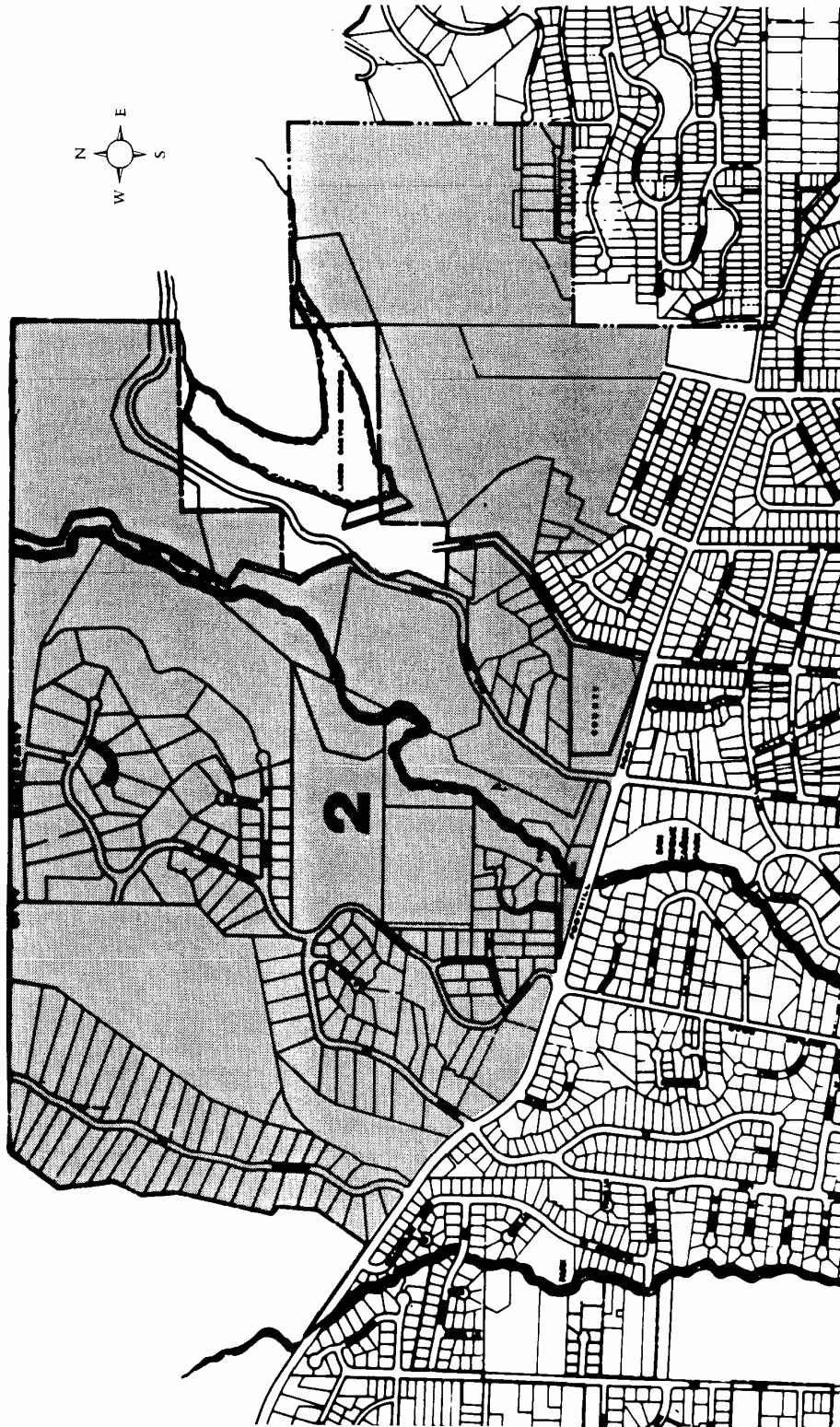
Any member of the Architectural Board of Review who shall be employed to execute a building or structure of any kind requiring the approval of the Architectural Board of Review or who shall take part in competition for any such building or structure shall be disqualified from voting thereon, and in such instance the Architectural Board of Review may at its discretion invite an expert to advise with it thereon but not at the expense of the City. (Ord. 3646 §1, 1974.)



HILLSIDE DESIGN DISTRICT INDEX MAP

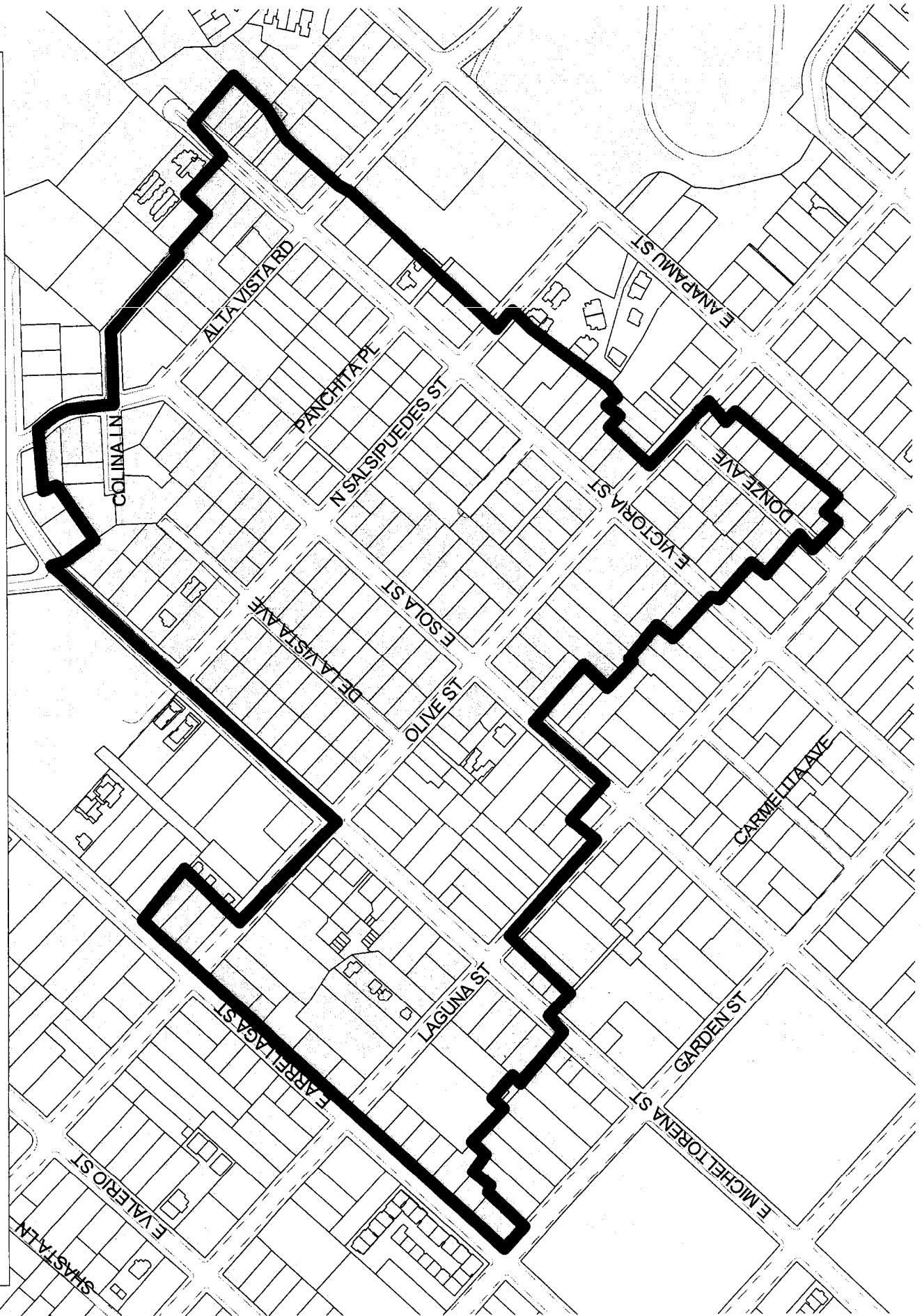
An enlarged map is
available at the
Planning Counter, 630 Garden Street







Lower Riviera Special Design District Area - Bungalow District



Chapter 22.70

SIGN REGULATIONS

Sections:

22.70.010	General Provisions.	22.70.080	Nonconforming Signs.
22.70.020	Definitions.	22.70.090	Non-Current, Illegal or Unsafe Signs.
22.70.030	Sign Regulations.	22.70.095	Vending Machines Readily Visible From a Public Right-of-Way.
22.70.040	Sign Standards.	22.70.100	Sign Enforcement and Penalties.
22.70.050	Sign Permits.		
22.70.060	Revocation of Sign Permits.		
22.70.070	Exceptions.		

22.70.010 General Provisions.

A. TITLE. This Chapter shall be known and cited as the Sign Ordinance of the City of Santa Barbara.

B. PURPOSE AND INTENT. The City of Santa Barbara has a national and international reputation as a community of natural beauty, distinctive and historic architecture and historic tradition. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone of the neighborhood. Since the City of Santa Barbara relies on its scenery and physical beauty to attract tourists and commerce, aesthetic considerations assume economic value. It is the intent of the City of Santa Barbara, through this ordinance, to protect and enhance the City's historic and residential character and its economic base through the provision of appropriate and aesthetic signing. In addition, it is the intent of the City to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety.

In view of these facts, the City of Santa Barbara adopts the policy that the sign should serve primarily to identify an establishment, organization or enterprise. As identification devices, signs must not subject the citizens of the City to excessive competition for their visual attention. As appropriate identification devices, signs must harmonize with the building, the neighborhood and other signs in the area.

C. COMPLIANCE WITH CHAPTER. It is unlawful for any person to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the City of Santa Barbara except in conformance with this chapter. (Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.020 Definitions.

As used in this Chapter, the following terms and phrases shall have the indicated meanings:

A. ACCESSORY SIGN. A separate unit displaying information related to the principal business conducted on the premises, which is not attached to or supported by any other sign, and not made a part thereof.

B. ARCHITECTURAL FEATURE. Any window frame, recessed area, door, detail or other feature that is part of any building, or is a specific element of a recognized style of architecture.

C. AWNING SIGN. Any sign or graphic attached to, painted on or applied to an awning or awning canopy.

D. BACK-LIT SIGN. Any internally illuminated sign with opaque, reverse pan channel, halo-lit letters and elements with concealed light sources in which the light projects away from the viewer.

E. BANNER. A bunting or other flexible sign characteristically supported at two or more points and hung on a building or otherwise suspended down or along its face, or across any public street of the City. The banner may or may not include copy or other graphic symbols.

F. BENCH SIGN. Any sign painted on or otherwise attached to a bench or other seat placed in an exterior area.

G. BILLBOARD. A freestanding sign which exceeds the size limitations of a ground or wall sign. A billboard may be on-premises or off-premises.

H. CIVIC EVENT SIGN. A sign, other than a commercial sign, posted to advertise or provide direction to a civic event sponsored by a public agency, the City, a school, church, civic-fraternal organization or similar non-commercial organization.

I. COMMERCIAL, OFFICE OR INDUSTRIAL COMPLEX. A group of contiguous businesses which employs a homogeneous design theme as a common perimeter treatment.

J. COMMERCIAL SIGN. Any sign which is intended to attract attention to a commercial activity, business, commodity, service, entertainment or attraction sold or offered, and which is to be viewed from public streets or public parking areas.

K. EAVE. That portion of the roofline extending beyond the building wall, a canopy attachment on the wall having the simulated appearance of an eave, or the lowest horizontal line on any roof.

L. ELECTION SIGN. A non-commercial sign pertaining to an election for public office or to a ballot measure to be placed before the voters in a federal, state or local election.

M. ERECT. To build, construct, attach, hang, place, suspend, affix or fabricate, which shall also include painting of wall signs and window signs or other graphics.

N. FACADE. The front of a building or structure facing a street.

O. FLAG. A piece of fabric of distinctive design (customarily rectangular) that is used as a symbol of a nation, state, city, agency, corporation or person or as a signaling device and is usually displayed hanging free from a staff or halyard to which it is attached by one edge.

P. FRONTAGE. The width of any face of a building.

1. Dominant building frontage. The principal frontage of the building where its main entrance is located or which faces the street upon which its address is located.

2. Subordinate building frontage. Any frontage other than the dominant frontage.

Q. GROUND SIGN. Any sign advertising goods manufactured, produced or sold or services rendered on the premises upon which the sign is placed, or identifying in any fashion the premises or any owner or occupant, and which is supported by one (1) or more uprights or braces on the ground, the overall total height of which does not exceed (i) six (6) feet above grade measured at the edge of the public right-of-way, or (ii) six feet above the base of the sign structure when the grade at the public right-of-way is at least three and one-half feet lower than the natural grade at the base of the sign, whichever is higher. In no case shall an artificial grade be established for the sole purpose of placing a sign at more than six (6) feet above the grade at the edge of the public right-of-way.

R. HANGING SIGN. A sign attached to and located below any eave, roof, canopy, awning or wall bracket.

S. KIOSK. A small, freestanding structure permanently affixed to the ground, requiring a building permit, which may have one or more surfaces used to display temporary advertising signs.

T. LETTER HEIGHT. The height of a letter from its bottom to its top, including any shadow line.

U. LIGHTING STANDARD. A device for providing artificial light on the sign surface.

V. LOGO SIGN WITH COURTESY PANELS. Prefabricated signs bearing a brand name, registered trademark or logo with space for the name of a local business or occupant or other items of information to be applied thereto or erected thereon.

W. MARQUEE. A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

X. MARQUEE SIGN. Any sign attached to a marquee.

Y. MOBILE SIGN. A sign on a boat or on a vehicle, other than on a public transit vehicle designed to carry at least 19 passengers, advertising a good, service, or entity other than that for which the vehicle is principally used.

Z. MURAL. A painting or picture applied to and made part of a wall which may be pictorial or abstract, and is characteristically visually set off or separated from the background color or architectural environment.

AA. NON-COMMERCIAL SIGN. Any sign which is intended to convey a non-commercial message of social, political, educational, religious or charitable commentary.

BB. OFF-PREMISES SIGN. A commercial sign not located on the premises of the business or entity indicated or advertised by said sign, or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

CC. PARAPET. A low wall used to protect the edge of a roof from view, also called a parapet wall.

DD. PARAPET OR PERGOLA SIGN. Any sign or other graphic attached to a parapet, ramada, pergola, or other similar structure.

EE. PENNANT. A small triangular or rectangular flag or multiples thereof, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures.

FF. PERGOLA. A structure usually consisting of parallel colonnades supporting an open roof of girders and cross-rafters, also known as an arbor, trellis or ramada.

GG. POLE SIGN. Any sign, other than a ground sign, supported by one (1) or more uprights or braces on the ground, the height of which is greater than a ground sign, and which is not part of any building or structure other than a structure erected solely for the purpose of supporting a sign.

HH. PORTABLE SIGN. Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

II. PROJECTING SIGN. Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.

JJ. ROOF. The cover of any building, including the eaves and similar projections. False roofs on store fronts, coverings on or over oriels, bay windows, canopies and horizontally projecting surfaces other than marquees shall be considered roofs.

KK. ROOF SIGN. Any sign any part of which is on or over any portion of any roof or eave of a building or structure and any sign which extends above a parapet of a building or structure.

LL. SIGN. Any physical form of visual communication including any object with or without lettering, a symbol, logo or banner, other than a mural. A sign may include a commercial or noncommercial sign. A sign includes all parts, portions, units and materials used in constructing the sign, together with the illumination, frame, background, structure, support and anchorage thereof.

MM. TEMPORARY. A period of time not exceeding thirty (30) consecutive days, unless otherwise specified.

NN. VENDING MACHINE. A machine or other mechanical device or container that dispenses a product or service through a self-service method of payment, but not including an automatic bank teller machine incorporated within a wall or a façade of a building, a news rack, a machine vending compressed air or water at an automobile service station, or a public telephone.

OO. WALL SIGN. Any sign affixed directly to or painted on or otherwise inscribed on an exterior wall or solid fence, the principal face of which is parallel to said wall or fence and which projects from that surface no more than twelve (12) inches at all points.

PP. WINDOW SIGN. Any sign printed, attached, glued or otherwise affixed to or behind a window, within the window display area or within four (4) feet, whichever is greater, and designed to be viewed from adjoining streets, walkways, malls or parking lots available for public use. (Ord. 5236, 2002; Ord. 4917, 1995; Ord. 4860, 1994; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.030 Sign Regulations.

A. PERMIT REQUIRED. It is unlawful for any person to erect, repair, alter, relocate or maintain any sign within the City, or to direct or authorize another person to do so, except pursuant to a sign permit obtained as provided in this Chapter unless the sign is specifically exempted from permit requirements. No permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign unless the structure, design, color or character is altered.

B. EXEMPT SIGNS. The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number or area of signs allowed on a building or parcel:

1. Any official federal, state or local government sign and notice issued by any court, person or officer in performance of a public duty, or any sign erected or placed on park or beach property owned or controlled by the City and which (i) pertains to an event not exceeding five (5) days in duration and (ii) has been approved by the agency with authority over such property.

2. Any temporary sign warning of construction, excavation or similar hazards so long as the hazard exists.

3. One temporary construction sign, provided the sign (i) does not exceed six (6) square feet in one- and two-family residence zones and does not exceed twenty-four (24) square feet in all other zones, (ii) is used only to indicate the name of the construction project and the names and locations (city or community and state name only) of the contractors, architects, engineers, landscape designers, project or leasing agent, and financing company, (iii) is displayed during construction only, (iv) does not exceed the height limitations of a ground sign, and (v) meets all other applicable restrictions of this Chapter.

4. Any temporary Christmas, Fiesta, Solstice or other holiday sign except banners and those requiring a building, electrical or other permit. Any such decorations or displays must be removed within ten (10) days following the event for which they were erected.

5. A non-commercial sign not exceeding six (6) square feet total for each lot in residential zones and twenty-four (24) square feet total for each lot in non-residential zones. Such a sign shall be erected only with the permission of property owner or tenant. An election sign shall not be displayed for more than ninety (90) days prior to the election or for more than ten (10) days following the election for which it is erected.

6. A temporary sign which indicates that the property is for sale, rent or lease. Only one such sign is allowed on each street frontage of the property. Such a sign may be single- or double-faced and is limited to three (3) square feet or less on property in residential zones and twelve (12) square feet or less on property in non-residential zones and shall not exceed the height limitations of a ground sign.

7. Any temporary sign located on a kiosk.

8. Any "No Trespassing" sign, prohibiting or restricting access to property, provided it is (i) not more than one (1) square foot in size, (ii) placed at each corner and each entrance to the property and (iii) at intervals of not less than fifty (50) feet or in compliance with the requirements of law.

9. One identification sign of no more than one (1) square foot for a residence.

10. Any parking lot and other private traffic directional sign not to exceed two (2) square feet in area having black letters on a white or building color background, and limited to guidance of pedestrian or vehicular traffic within the premises. There shall be erected no more than three (3) such signs in each parking lot or more than one (1) per entrance.

11. Any informational commercial signs provided the sign (i) is in a non-residential zone, (ii) has an aggregate area (when combined with all other similar signs on the parcel) of not more than one-and-one-half (1½) square feet at each public entrance nor more than five (5) square feet total, (iii) indicates address, hours and days of operation, whether a business is open or closed, credit information and emergency address and telephone numbers. Lettering shall not exceed two (2) inches in height except for street numbers.

12. Any street name and address stamped or painted on a sidewalk or curb.

13. Any civic event sign except a banner. Such a sign shall be removed within twenty-four (24) hours after the time of the event, shall not exceed twenty-four (24) square feet in size and may be erected for a period not to exceed five (5) days out of any thirty (30) day period. Only one (1) such sign shall be erected per lot.

14. Any temporary "open house" sign. Only one (1) sign is allowed on each street frontage of the property. Such a sign may be single- or double-faced and is limited to three (3) square feet or less. The sign's supporting structure shall not exceed four (4) feet in height. A maximum of three (3) off-site signs shall be allowed and shall contain only the address of the property where the open house is being held and the name of the real estate agent or party holding the open house. Such a sign shall be erected and removed on the day the open house is held and shall not be fastened or attached in any way to a building facade or architectural element.

15. Any sign on a gasoline pump, telephone booth, and news rack, provided the sign (i) identifies only the product contained therein, or displays operating instructions, and (ii) the lettering does not exceed two inches in height.

16. Flags flown on a temporary basis for purposes of honoring national or civic holidays which do not exceed eight (8) feet long in largest dimension.

17. The official flag of a government, governmental agency, public institution, religion, corporation or other similar entity. Only one (1) flag pole with a maximum height of twenty-five (25) feet and with a maximum dimension on the flag of eight (8) feet and which is not attached to the building shall be exempt.

18. Signs, except banners, announcing the opening of a new business which, in the aggregate, do not exceed ten (10) square feet in size or twenty-five percent (25%) of the window area, whichever is greater. Such signs shall be erected no more than thirty (30) days prior to the scheduled opening of the business and shall be removed no later than thirty (30) days after the opening of the business, but in no case shall such a sign be erected for more than forty-five (45) days within this period. The business owner or manager shall provide proof of opening date upon request.

19. Temporary window signs, except banners not exceeding four (4) square feet or fifteen percent (15%) of the window area of each facade, whichever is greater. For windows which are more than twenty-five (25) feet from the public right-of-way, such signs shall not exceed twenty-five percent (25%) of such window area. No temporary window signs on a building or parcel shall be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year.

20. Signs specifically required by federal, state or City law, of the minimum size required.

21. Signs on the air operation side of the Santa Barbara Municipal Airport which are designed and oriented to provide information to aircraft.

22. A sign, such as a menu, which (i) shows prices of goods or services not on window display to the public, (ii) does not exceed twenty-four (24) inches by eighteen (18) inches, (iii) has letters and numbers not exceeding three-quarters (3/4) of an inch in height, and (iv) is located on a wall or in a window.

23. Signs on public transit vehicles designed to transport at least 19 passengers. No more than one sign may be displayed on each side of these vehicles, except as approved by the Sign Committee.

24. Temporary "Garage Sale" or other similar signs located only on the premises upon which the sale is occurring.

C. PROHIBITED SIGNS. In addition to any sign not conforming to the provisions of this Chapter, the following signs are prohibited:

1. Any sign which, by color, shape, working, or location, resembles or conflicts with any traffic control sign or device.

2. Signs attached or placed adjacent to any utility pole, traffic sign post, traffic signal, historical marker or any other official traffic control device.

3. Any sign, except as may be required by other code or ordinance, placed or maintained so as to interfere with free ingress or egress from any door, window or fire escape.

4. Signs erected on public or private property without the permission of the property owner.

5. Signs visible from the public street or parking lot attached to or placed on merchandise or materials stored or displayed outdoors except for parking lot sales of less than four (4) days in duration.

6. Signs that rotate, move, glare, flash, change, reflect, blink or appear to do any of the foregoing, except time and temperature devices.

7. Off-premises signs, including billboards, except open house signs.

8. Any sign displaying obscene, indecent or immoral matter as defined under California Penal Code.

9. Signs on awnings or canopies except on the valance.

10. Signs that create a hazard by obstructing clear views of pedestrian and vehicular traffic.

11. Portable signs.

12. Mobile signs.

13. Any sign (generally known as a "snipe sign,") tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or the exterior of building or other structures, where the information appearing thereon is not applicable to the present use of the premises upon which such sign is located. Whenever a sign is found so placed, the same shall constitute prima facie evidence that the person benefited by the sign placed or authorized the placement of the sign.

14. Bench signs.

15. Banners.

16. Roof signs and any other graphics which extend, wholly or in part, above the eave line of the structure to which it is attached.

17. Any parapet or pergola sign placed above or partially above the parapet or pergola.

18. Logo signs with courtesy panels.

19. Pennants.

20. Signs which cover or interrupt architectural features.

21. Signs containing changeable copy, except theater marquee signs, business directories, church and museum signs, gas price signs and restaurant interior menu boards.

22. Historical markers placed on the structure, tree or other historical monument itself, except as approved by the Historic Landmarks Commission.

23. Pole signs.

24. Exposed cabinet/raceways behind channel letters.

D. GENERAL REQUIREMENTS.

1. No sign, other than a sign installed by a public agency, shall be allowed to be erected, installed, placed or maintained in or on any public property, including sidewalks and parkways.

2. Churches, schools, and other public or semi-public facilities may have one (1) on-site sign not exceeding eighteen (18) square feet in any area, provided that, except for the name of the premises, the lettering shall not exceed three (3) inches in height, and such signs in residential zones shall not be internally illuminated.

3. Any sign which is supported by more than one means and therefore cannot be clearly defined as a ground, marquee, wall, roof, projecting or other sign shall be administratively assigned to the sign category most logically applicable and be subject to the corresponding standards.

4. Accessory signs will be considered only if they are designed in conjunction with or made an integral part of the signing existing on the subject building or project. Said signs shall not exceed twenty-five (25%) percent of the building's total signage.

5. A temporary window sign in excess of four (4) square feet, or fifteen percent (15%) of the window area of each facade, whichever is greater, requires a permit, unless the sign is otherwise exempt from the permit requirements of this chapter. For a window which is more than twenty-five (25) feet from the public right-of-way, such a sign shall not exceed twenty-five percent (25%) of the window area. Such signs shall not be displayed for more than thirty (30) consecutive days nor for more than a total of sixty (60) days per calendar year.

6. Only one (1) face of a double-faced sign with parallel opposing faces, and bearing identical copy or language translation, shall be used in computing the area of a sign. Signing and illumination shall be on two opposing faces only.

7. In order to calculate the size of a sign, the following provisions apply:

a. If the sign is enclosed by a box or outline, the area of the sign includes that portion of the sign comprised of said box or outline.

b. If the sign consists of individual letters attached directly to the building or wall, the size is calculated by drawing a rectangle around each line of copy.

c. If the sign is a ground sign, the base or support structure shall be included in calculating the height of the sign.

8. If a building consists of two (2) or more above-ground stories, no sign shall be allowed more than five feet six inches (5'6") above the second floor line or in conformance with Subsection D.11 below, where applicable.

9. Prior to issuance of a sign permit, a ground sign shall be approved by the traffic engineer to ensure that placement of the sign would not adversely affect traffic or pedestrian safety.

10. A non-temporary window sign shall be not larger than twenty-five percent (25%) of the window area of the facade on which it is displayed.

11. A wall sign may be attached flat against or pinned away from the wall. A wall sign placed in the space between windows on the same story shall not exceed more than two-thirds (2/3) of the height of the window, or major architectural details related thereto. A wall sign placed between windows on adjacent stories shall not exceed two-thirds (2/3) the height of the space between said windows.

12. A projecting or hanging sign must clear the nearest sidewalk by a minimum of seven (7) feet and may project no more than four (4) feet into the public right-of-way. Such a sign for a business in the second story of a building is allowed only if the business has a separate street or public parking lot entrance and may be placed at the entrance only.

13. A device displaying time or temperature is permitted in all zones except residential zones and designated historic districts, subject to the provisions herein regulating various types of signs. Such devices are limited to one (1) per block. Only a logo is allowed to appear on the same structure as such a device.

14. A kiosk is permitted in all non-residential zones, subject to approval by the Sign Committee and (i) the Historic Landmarks Commission if within El Pueblo Viejo Landmark District or another landmark district, or (ii) the Architectural Board of Review in other parts of the City.

15. A relocated sign shall be considered to be a new sign, unless the relocation is required by a public agency as a result of a public improvement, in which case approval shall be obtained only for the new location and base of the sign.

16. Except as otherwise stated in this Chapter, letter height shall be limited to a maximum of twelve (12) inches, except where it can be found that said letter size is inconsistent with building size, architecture and setback from the public right-of-way.

17. A ground sign which exceeds six (6) square feet in area shall not be located within seventy-five (75) feet of any other ground sign.

18. All signs on parcels immediately adjacent to El Pueblo Viejo Landmark District are subject to El Pueblo Viejo regulations. (Ord. 5236, 2002; Ord. 4917, 1995; Ord. 4860, 1994; Ord. 4850, 1994; Ord. 4484, 1987; Ord. 4382, 1986; Ord. 4338, 1985; Ord. 4259, 1984.)

22.70.040 Sign Standards.

A. GENERAL REQUIREMENT. All signs shall conform to the following standards.

1. Residential Uses. The following sign standards shall apply to any residential use in any zone in the City:

a. An apartment or condominium project identification sign identifying an apartment or condominium complex by name or address. One (1) such sign shall be allowed for each complex, shall not exceed ten (10) square feet in size if less than twenty-five (25) units, nor twenty-five (25) square feet if larger than twenty-five (25) units, and shall not be internally illuminated.

b. The Sign Committee may authorize one (1) ground sign or wall sign, not to exceed an area of twenty-four (24) square feet, to identify a neighborhood or subdivision other than an apartment or condominium project at the entrance to such subdivision or neighborhood. Such sign shall not be internally illuminated.

c. Any existing legal non-conforming use in a residential zone may have one-half (½) the number and size of signs as are allowed in commercial zones.

2. Office Uses. The following sign standards shall apply to office uses in any zone:

a. The aggregate area for all signs identifying a building or complex shall not exceed one-half (½) square foot of sign area per linear foot of building frontage or twenty (20) square feet, whichever is less.

b. Establishments within an office building or complex may collectively place a directory sign at each public entrance to said building listing establishments within.

c. An office complex which maintains a group identity shall submit to the Sign Committee a sign program for all signs proposed within the complex. Upon approval, the sign program shall apply to all tenants. This sign program shall be included as a provision in the lease for each individual tenant. Proof of said inclusion in the standard lease for the office complex shall be submitted to the Planning Division by the lessor.

3. Commercial and Industrial Uses. The following sign standards shall apply to commercial and industrial uses including hotels and motels in any zone:

a. The total area for all signs identifying a business shall not exceed the following:

(1) For a dominant building frontage up to one hundred (100) linear feet, one (1) square foot of sign area per linear foot of building frontage, or sixty-five (65) square feet, whichever is less.

(2) For a dominant building frontage with more than one hundred (100) linear feet, three-quarters (¾) square foot of sign area per linear foot of dominant building frontage or ninety (90) square feet, whichever is less.

(3) For a building occupied by more than one tenant, the dominant building frontage for each business is that portion of the building elevation adjacent to the business. For a business which is not on the ground floor, one-half (½) square foot of sign area per linear foot of dominant building frontage is permitted.

b. For a commercial or industrial complex containing four (4) or more occupants, the following sign standards apply:

(1) One (1) sign per frontage to identify the commercial or industrial complex, allowing one (1) square foot of sign area per linear foot of complex frontage or seventy-five (75) square feet, whichever is less, on the dominant facade.

(2) For each individual business with frontage on a public street or parking lot, one-half (½) square foot of sign area per linear foot or twenty-five (25) square feet, whichever is less.

(3) One (1) directory sign not exceeding ten (10) square feet in size may be allowed at each public entrance.

(4) A commercial or industrial complex which maintains a group identity shall submit to the Sign Committee a sign program for all signs proposed within the complex. Upon approval, the sign program shall apply to all tenants. This sign program shall be included in the lease for each individual tenant. Proof of said inclusion shall be submitted to the Planning Division by the lessor.

B. EL PUEBLO VIEJO LANDMARK DISTRICT. Signs in El Pueblo Viejo Landmark District (EPV) shall contribute to the retention or restoration of the historical character of the area. In addition to the other standards and restrictions in this Chapter, signs in EPV shall comply with the following:

1. Colors shall be consistent with the Hispanic styles specified in Chapter 22.22.

2. The typeface used on all signs in EPV shall be consistent with the Hispanic styles specified in Chapter 22.22, except that where the business logo or trademark uses a particular typeface, it may be used.

3. Letter height shall be limited to a maximum height of ten (10) inches, except where it can be found that said letter size is inconsistent with building size, architecture, and setback from the public right-of-way.

4. No internally illuminated signs except back-lit signs are allowed. Traditional materials and methods are to be used as defined in Section 22.22.104 and described in Subsection 5 below. Internally illuminated projecting cabinet signs are prohibited.

5. The choice of materials is left to the discretion of the applicant, subject to the approval of the Sign Committee; however, the following materials and/or methods are acceptable and desirable:

a. Sign face, supports and standards made of resawn or rough sawn wood and/or wrought iron with painted or stained backgrounds and lettering.

b. Sign face, supports and standards made of smooth wood trimmed with moldings of historically based design and lettering.

- c. Signs painted directly on the face of the building.
 - d. Projecting signs.
 - e. Use of wood cutouts, wrought iron or other metal silhouettes further identifying the business.
 - f. Glass.
 - g. Lighting standards and style typical of the building's architecture and period.
 - h. Flush or inset mounted signs of tile or stone.
 - 6. The following materials and details are not acceptable:
 - a. Contemporary finish materials such as plastics, aluminum and stainless steel.
 - b. Imitation wood or imitation marble.
 - c. Fluorescent paint.
 - d. Exposed spot lights, exposed neon tubings, and exposed lights or electrical conduits.
 - 7. For hotels and motels in the El Pueblo Viejo Landmark District (EPV) a single neon "No Vacancy" sign shall be allowed if the following conditions are met:
 - a. Only one (1) double-faced neon "No Vacancy" sign per property/business.
 - b. Letter size to be three (3) inches maximum height.
 - c. Tube size to be twelve (12) mm. maximum diameter.
 - d. Neon color to be clear red.
 - 8. Landscaping:
 - a. Landscaping in EPV shall conform to the El Pueblo Viejo Guidelines list of preferred plants.
 - b. Low shrubs or dense ground cover is required to conceal non-decorative lighting fixtures.
 - c. Irrigation plans shall be included where applicable.
- (Ord. 4917, 1995; Ord. 4860, 1994; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.050 Sign Permits.

A. APPLICATION. Any person desiring to construct, maintain or display a sign for which a permit is required shall submit an application to the Planning Division of the Community Development Department. The application shall be made upon forms provided by the Community Development Department and shall be accompanied by the following materials:

- 1. Two copies of a plan showing:
 - a. The position of each sign and its relation to adjacent buildings or structures.
 - b. The proposed design, size, colors, and location on the premises of each sign including the type and intensity of any proposed lighting.
- 2. A statement showing the sizes and dimensions of all signs existing on the premises at the time of making such application.
- 3. Such other information as the Director of the Community Development Department may require to show full compliance with this and all other ordinances of the City of Santa Barbara.
- 4. A written authorization to submit the sign permit application signed by the property owner or lessee.

B. FEES. The sign permit application shall be accompanied by the appropriate fee established by the City Council by resolution. If installation of a sign is commenced before an application for a permit is made or before the plans are approved by the Sign Committee, the applicant shall be charged an additional field inspection fee equal to the permit fee.

C. PROCESSING APPLICATIONS.

- 1. Community Development Department staff shall review the application and accept it as complete or reject it as incomplete within three (3) working days from the date of filing.
- 2. No sign permit application will be accepted if:
 - a. The applicant has installed a sign in violation of the provisions of this Chapter and, at the time of the submission of the application, each illegal sign has not been legalized, removed or included in the application; or
 - b. Any sign under the control of the applicant on the premises of the proposed sign was installed in violation of this Chapter and at the time of submission of the application, each illegal sign has not been legalized, removed or included in the application; or
 - c. The sign permit application is substantially the same as an application previously denied by staff or the Sign Committee or, on appeal, by the Historic Landmarks Commission, the Architectural Board of Review, or the City Council, unless:
 - (1) Twelve (12) months have elapsed from the date of the final decision on the application; or
 - (2) New evidence or proof of changed conditions is furnished in the new application.

D. BUILDING AND ELECTRICAL PERMITS. After a sign has been approved by the Sign Committee the applicant shall obtain all required building and electrical permits from the Division of Land Use Controls of the Community Development Department.

E. **CONFORMING SIGN REVIEW.** Applications for signs conforming to the Sign Ordinance and Sign Review Guidelines may be eligible for review and approval by the Chair or Vice-Chair of the Sign Committee or their designated alternate. Conforming signs which meet the following criteria shall be referred by Staff for Conforming Sign Review:

1. Minor wording, name, color and/or face changes which do not affect the character or location of a sign;
2. Signs for a commercial or industrial complex where a previously approved sign program is in effect and the proposed sign conforms to the program;
3. Thirty (30) day extension of temporary signage;
4. Conceptually approved signs, if all Committee conditions are met;
5. Ongoing flag changes if there is no change to the Sign Committee approved flag programs; and
6. Awning signs.

Sign applications which do not meet these specific criteria may be referred by the Chair, Vice-Chair or their designated alternate for Conforming Sign Review, if deemed appropriate. In addition, the full Sign Committee may also direct some projects or portions of projects to the Conforming Sign Review for approval.

F. **PERMITS REVIEWED BY THE SIGN COMMITTEE.** The Sign Committee shall take action to approve, conditionally approve or deny an application within twenty-one (21) days from the date of acceptance thereof. If no action is taken by the Sign Committee within said period or within any extension approved by the applicant, the application shall be deemed approved as submitted, provided the proposed sign otherwise complies with the provisions of this Chapter.

G. **SIGN REVIEW CRITERIA.**

1. In reviewing a sign permit application, staff and the Sign Committee shall apply the following criteria as the basis for action:
 - a. The sign shall be in proportion with and visually consistent with the architectural character of the building.
 - b. The sign shall not constitute needless repetition, redundancy or proliferation of signing.
 - c. The location of the proposed sign and the design of its visual elements (lettering, colors, decorative motif, spacing and proportion) shall result in a sign which is legible under normal viewing conditions existing at the sign's proposed location.
 - d. The sign shall not obscure from view or unduly detract from existing signing.
 - e. If the proposed sign will be adjacent to, in or near a residential area, it shall be harmonious and compatible with the residential character of the area.
 - f. The size, shape, color and placement of the sign and any lighting shall be compatible to and harmonious with the building which it identifies and with the area in which it will be located.
 - g. If the sign is to be located in El Pueblo Viejo Landmark District, the sign shall comply with the requirements of Section 22.70.040.E and shall be compatible with the required architectural style described in Section 22.22.104.
2. If a sign permit application satisfies the above criteria and complies with the other provisions of this Chapter, it shall be approved.

H. **FINDINGS.** If a sign permit application is denied, specific and detailed findings setting forth the reasons why the proposed sign violates the criteria set forth above or other provisions of this Chapter shall be prepared in writing and mailed to the applicant or his agent and sign contractor within seven (7) days.

I. **APPEALS.** The applicant or any interested person may appeal decisions concerning sign permit applications as follows:

1. Appeals to the Architectural Board of Review or the Historic Landmarks Commission. Any action of the Sign Committee or of the Division staff may be appealed by the applicant or any interested party to the Architectural Board of Review or, if the sign is in El Pueblo Viejo Landmark District, to the Historic Landmarks Commission. Said appeal shall be in writing, shall state reasons for the appeal and shall be filed with the staff of the Architectural Board of Review or the Historic Landmarks Commission within ten (10) days of the meeting at which the decision being appealed was rendered. A hearing shall be held by the Architectural Board of Review or the Historic Landmarks Commission, as appropriate, within fourteen (14) days of the date of the filing of the appeal. Notice of the time and place of the hearing shall be sent to the applicant and appellant no later than five (5) days prior to said hearing. The Board or Commission may affirm, reverse or modify the decision of the Sign Committee or staff concerning the sign permit application. Said action shall take place within twenty-eight (28) days from the date of the filing of the appeal. Failure to act within said period will result in the sign permit application being deemed approved to the extent that it complies with the provisions of this Chapter. Upon such an automatic approval, the Division of Land Use Controls shall issue the permit. No member of the Board or Commission who is also a member of the Sign Committee and who participated in the decision of the Sign Committee shall act on the appeal.

2. Appeal to the City Council. An appeal to the City Council from the decision of the Architectural Board of Review or the Historic Landmarks Commission shall be made pursuant to the provisions of Section 1.30.050 of this Code.

J. **EXPIRATION OF PENDING APPLICATION.** Signs must be installed within six months of the date of approval or the approval is void, unless the applicant has requested and received an extension not exceeding six (6) months from the Community Development Director. (Ord. 5136, 1999; Ord. 4917, 1995; Ord. 4850, 1994; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.060 Revocation of Sign Permits.

A. **FOUNDATIONS.** Any permit issued under this Chapter may be revoked by order of the City Council when it is shown by substantial evidence that:

1. The permit was issued without or in excess of the authority provided in this Chapter. Permittee shall be compensated for any and all costs incurred as a result of said revocation to the extent it occurs through no fault of the permittee.

2. The application for a permit contained any material misrepresentation of fact.

B. **HEARING.** Prior to revoking a sign permit, the City Council shall hold a hearing concerning said revocation. Written notice of said hearing shall be given to the permittee not less than ten (10) days prior to the date of said hearing. Following the hearing, if the City Council revokes the sign permit, it shall adopt findings setting forth the basis for its decision. The findings shall be mailed to the permittee. (Ord. 4484, 1987; Ord. 4259, 1984.)

22.70.070 Exceptions.

A. **APPLICATION.** When a person desires to erect a sign which does not comply with the provisions of this Chapter, he shall file an application for an exception. An application for an exception shall be filed with a sign permit application, shall be accompanied by a fee established by the City Council by resolution, shall state the specific section or sections of this Chapter which the applicant desires to have waived, and shall state the grounds for the exception.

B. **FOUNDATIONS.** Before an exception may be granted, the following shall be shown:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity.

2. The granting of the exception will not be materially detrimental to the public welfare or injurious to the properties or improvements in the vicinity.

3. The proposed sign is in conformance with the stated purpose and intent of the Sign Ordinance.

C. **HEARING.** A hearing on the exception application shall be held by the Sign Committee prior to considering the sign permit application. The time limits for the Sign Committee's action shall be the same as those set forth in Section 22.70.050.F of this Chapter.

D. **APPEAL.** The provisions for the appeal of the decision of the Sign Committee concerning an exception application shall be the same as those set forth in Section 22.70.050.I. (Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.080 Nonconforming Signs.

A. **DEFINITION.** Every sign legally in existence on the effective date of (i) the ordinance adopting this Chapter, or (ii) any ordinance amending this Chapter, which violates or does not conform to the provisions of such ordinance or any such amendment, shall be a "nonconforming sign."

B. **GENERAL PROVISIONS.** A nonconforming sign may not be:

1. Changed to another nonconforming sign.

2. Structurally altered so as to extend its useful life.

3. Expanded.

4. Relocated.

C. **REMOVAL.**

1. A sign which does not conform to the provisions of this Chapter, but which legally existed and was maintained on January 1, 1976, and which did not conform to provisions of the Sign Ordinance in effect at that time shall be removed or made to conform within one-hundred eighty (180) days after written notice from the Community Development Department. Said one-hundred eighty (180) day period shall be extended in the following circumstances:

a. The owner of a nonconforming sign submits to the Community Development Department a declaration signed under penalty of perjury, on a form provided by the Community Development Department, stating that he intends to terminate the business identified by said sign within twelve (12) months of the date of the notice from the Community Development Department.

b. The owner agrees in writing, on a form provided by the Community Development Department, to voluntarily remove said sign upon the expiration of the twelve-month period described in Subsection C.1.a. above or the date he terminates his business, whichever occurs first, and further agrees as consideration for this further extension of time to remove said sign(s) to waive any and all rights he may have to challenge the validity of the provisions of this Section.

2. A sign which becomes nonconforming upon the effective date of (i) the ordinance by which this Chapter is adopted, or (ii) an ordinance amending this Chapter shall be removed or made to conform within sixty (60) days after written notice by the Community Development Department upon change of use of the premises.

3. Exceptions to the provisions of this Section shall be granted by the Sign Committee upon the application of any owner of an on-site sign who presents substantial evidence showing the following:

a. There are exceptional circumstances applicable to the property on which the nonconforming sign is located, including size, shape, topography, location, or surroundings which make it practically impossible to effectively identify the property to the public if strict application of all the provisions of this Chapter is required; or

b. The original cost of the sign has not been fully amortized for tax purposes under Section 167 of the Internal Revenue Code by the sign's original owner. Such exception shall only be granted until completion of amortization pursuant to Section 167. Request for such extension shall be supported by legal documents, sworn statements, affidavits or other documents clearly establishing the need for additional time to amortize the original cost of the sign; or

c. The sign possesses unique features which make it a significant part of the historical heritage of the area in which it is located.

4. Denial of a request for an exception may be appealed pursuant to the provisions of Section 22.70.050.I. (Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.090 Non-Current, Illegal or Unsafe Signs.

A. **NON-CURRENT SIGNS.** Any sign, including its supporting structure, which no longer identifies the current occupant or which otherwise fails to serve its original purpose after a lapse of three (3) months shall be deemed to be a public nuisance and shall be removed by the owner of the property on which it is located upon thirty (30) days written notice by the Community Development Department.

B. **UNSAFE SIGNS.** Any sign that, in the opinion of the City Building Official, is unsafe or insecure shall be deemed a public nuisance and shall be corrected or removed, together with any supporting structure, by the owner of the property on which the sign is located, within ten (10) days written notice by the Community Development Department.

C. **ILLEGAL SIGNS.** Any sign, including its supporting structure, which is installed or maintained on private property in violation of this Chapter shall be deemed to be a public nuisance and shall be removed by the owner of the property on which it is located upon thirty (30) days written notice by the Community Development Department.

D. **FAILURE TO ABATE.** In the event the property owner has not begun removal of the sign and its supporting structure within the time limits set forth in Subsections A, B and C above, Community Development Department Staff shall cause to be filed for record with the County Recorder a Notice of Intention to Record a Notice of Order to Abate describing the real property, naming the property owner thereof, describing the violation and giving notice of a City Council hearing. Community Development Department Staff shall give written notice by personal delivery or mail to the property owner that the City intends to carry out the removal of the sign and supporting structure and have the cost of said removal be made a charge against the property owner and lien against the property, unless the sign is removed, repaired or reconstructed so as to eliminate the condition that is violative of this Chapter. Community Development Department Staff shall also advise the property owner that he has a right to a scheduled hearing before the City Council of the City of Santa Barbara for the purpose of final determination that the sign is non-current, illegal or unsafe as defined under this Section. Said hearing shall begin no later than thirty (30) days after the date of the personal delivery or mailing of the notice and may be continued by the City Council.

E. **FINDINGS.** Upon completion of the hearing, the City Council shall find as to the fact that the sign is a non-current, illegal or unsafe sign and upon such fact being found shall determine that the sign shall be removed, repaired, or reconstructed by the property owner within a prescribed time or the City shall cause the sign and supporting structure to be removed. Said determination shall be made based upon the evidence presented and a report from the Community Development Director regarding the existing condition of the sign, the estimated costs of repair, reconstruction and/or removal. If the City Council makes such a determination, written findings and an order shall be approved. After said hearing, the City Clerk shall cause to be filed a Notice of Order to Abate with the County Recorder and shall give all parties who have a recorded interest in the property notice of such recordation by mail.

F. **DUTIES OF PUBLIC WORKS DIRECTOR.** The Public Works Director shall, after completion of the hearing and approval of the findings by the City Council that the sign is non-current, illegal or unsafe, and after the failure of property owner to remove, repair or reconstruct the sign within the prescribed time as set forth in the order, obtain the necessary services by contract or by using City forces to carry out the removal of the sign and its supporting structure as directed by the City Council. A record shall be kept of all costs incurred by the City including time spent for the preparation of plans and the supervision of the work to carry out the removal of the sign and supporting structure. Upon completion of said efforts, the Public Works Director shall file a report with the City Council as to the costs incurred. The property owner shall be provided a copy of said report, notice of a hearing before the City Council, and an opportunity to appear before the City Council to be heard regarding the reasonableness of the costs incurred by the City.

G. **COSTS TO BE BORNE BY PROPERTY OWNER, PERSON BENEFITTED BY THE SIGN.** Upon completion of the hearing before the City Council as to the reasonableness of the costs, the City Council shall determine the reasonable costs incurred by the City to remove the non-current, illegal or unsafe sign and in the case of private property, the property owner shall be advised of said amount which shall be due and payable to the City. Upon request of the property owner, the City may agree to a mutually acceptable payment schedule. In the case of signs on public property, the costs of removal shall be borne by the person benefitted by the sign.

H. LIEN. In the event the amount determined to be due and payable to the City is not paid within thirty (30) days after the determination by the City Council or as otherwise agreed, said amount shall become a charge against the property involved. The City Administrator shall thereafter cause the amount of said charge to be recorded on the assessment roll as an assessment and lien against and upon the property. Any portion of said assessment remaining unpaid after the due date for payment thereof shall be subject to the penalties and proceedings then in effect for property taxes due within the City of Santa Barbara.

I. INTEREST CHARGES. The City shall be entitled to interest at the rate applicable for unpaid taxes on all costs incurred by the City as determined pursuant to Subsection F.

J. SIGNS ON PUBLIC PROPERTY. Any sign, including its supporting structure, which is installed, placed or maintained on public property, other than a sign installed by, or with the permission of a public agency, is illegal and subject to removal. The person benefited by the sign shall receive notice of the violation and must remove the sign within the time stated in the notice. If the sign remains at the end of the stated period, the sign will be removed in accordance with the provisions of Section 22.70.090.E. Costs for such removal shall be borne by the person benefited by the sign. (Ord. 4917, 1995; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.095 Vending Machines Readily Visible From a Public Right-of-Way.

A. VENDING MACHINES WITHIN THE PUBLIC RIGHTS-OF-WAY. No owner of real property shall install, operate, or maintain a vending machine which is located on or encroaches within or over a City public right-of-way, such as a City street, sidewalk, paseo, or alleyway except for those machines which encroach in the public right-of-way on the date of the enactment of this amendment to Chapter 22.70, provided that the owner or operator of such an encroaching vending machine obtains a vending machine license agreement pursuant to the requirements of Santa Barbara Municipal Code Chapter 9.48 within one year of the adoption of this amendment and provided that such machine dispenses drinking water only.

B. VENDING MACHINES IN A CITY LANDMARK DISTRICT. No owner of real property located within a City Landmark District (as such districts are designated by Santa Barbara Municipal Code Chapter 22.22) shall install, operate, or maintain a vending machine upon such real property under circumstances where the vending machine is readily visible from an area accessible to public.

C. VENDING MACHINES – NON-RESIDENTIAL USES.

1. Generally. No owner of real property located outside of a City Landmark District shall install, operate, or maintain a vending machine on such real property under circumstances where the machine is readily visible from an area accessible to the public unless and until the property owner or vending machine operator (or an authorized agent thereof) has obtained the permits required by this Section and has completed the design review and approval required by this Section, where applicable. No business shall be allowed or permitted to have more than four (4) vending machines at each business location.

2. Residential Properties. No owner of real property used exclusively for residential purposes shall install, operate, or maintain a vending machine upon such property.

D. REVIEW AND ISSUANCE OF VENDING MACHINE PERMITS.

1. Machine Locations with Not More Than Two (2) Vending Machines. A vending machine which is visible from an area readily accessible to the public may be installed, operated, and maintained on real property zoned or being used for non-residential purposes and located outside of a City Landmark District only under the following circumstances:

a. No More Than Two (2) Machines. The real property upon which the machine will be located will have no more than two (2) vending machines installed or operated upon the same location at any one time; and

b. Necessary Permits. The owner or operator of the vending machine has obtained a building permit from the City Building and Safety Division and a vending machine sign permit from the City Sign Committee in accordance with the procedures established for sign permits set forth herein; and

c. Size and Machine Panel Design. The size, design, and the use of illumination for the vending machine is installed in full compliance with the City's Outdoor Vending Machine Design Guideline requirements for unscreened vending machines.

d. Signage Illumination. A vending machine may not have signage which is internally illuminated.

2. Machine Locations with More Than Two (2) Vending Machines. A vending machine which is readily visible from an area accessible to the public may be installed, operated, and maintained on non-residential real property located outside of a City Landmark District where the real property will have more than two vending machines but less than five (5) machines only under the following circumstances:

a. ABR Design Review. The owner or operator of the vending machine has obtained design and screening review and approval from the City Architectural Board of Review and the machine is installed in full compliance with the City's Outdoor Vending Machine Design Guidelines; and

b. Required Permits. The owner or operator of the vending machine has obtained both a building permit from the City Division of Building and Safety and a sign permit in accordance with the procedures established for sign permits set forth herein from the City Sign Committee for the machine; and

c. Compliance with Conditions of Approval. The vending machine is installed and maintained in accordance with any conditions of approval issued by either the Sign Committee or the ABR in connection with the approved permits or design review.

d. Automobile Service Station Locations. The real property is not being used as a gasoline service or automobile service station.

3. Vending Machines in a Shopping, Office, or Industrial Center. Vending machines located on real property being used as a Commercial, Office, or Industrial Complex [as defined in Section 22.70.020(I)] may be permitted only pursuant to a Complex Vending Machine Program approved by the Sign Committee in a manner similar to the Sign Committee's review and approval of Complex Sign Programs pursuant to Subsection (A)(3)(b) of Section 22.70.040 hereof and where such machines are designed and located in accordance with the City's Outdoor Vending Machine Design Guidelines.

E. OUTDOOR VENDING MACHINE DESIGN GUIDELINES.

1. Adoption of Machine Design and Locational Guidelines. Within thirty (30) days of the adoption of the ordinance enacting this Section, the City Council shall approve Outdoor Vending Machine Design Guidelines which shall be approved pursuant to a resolution of the City Council.

2. Exceptions to Guideline Requirements. Upon the written request of an applicant for an outdoor vending machine permit, the Sign Committee, or, where applicable, the City's Architectural Board of Review may grant appropriate exceptions to the Outdoor Vending Machine Design Guidelines provided that all of the following grounds for the exception are determined to be applicable:

- a. There are exceptional or extraordinary circumstances or conditions applicable to the real property involved which do not apply generally to other real properties in the vicinity.
- b. The granting of the exception will not be materially detrimental to the public welfare or injurious to the properties or improvements in the vicinity.
- c. The proposed vending machine installation is in conformance with the stated purpose and general intent of the Outdoor Vending Machine Design Guidelines and this Chapter.
- d. A public benefit will be derived from the proposed outdoor vending machine location and a hardship otherwise exists due to the physical constraints of the site which make the strict application of City vending machine requirements impractical or not readily feasible.

F. COMPLIANCE ESTABLISHED BY VENDING MACHINE PERMIT STICKER. Compliance with the requirements of this Section shall be conclusively established by the City's issuance of an appropriate permit sticker which shall be posted or affixed to and maintained on the permitted vending machine by the operator thereof and which shall serve as conclusive proof of compliance with the requirements of this Section.

G. VENDING MACHINES INSTALLED PRIOR TO ADOPTION. Except with respect to the prohibition on internally illuminated signage contained in subparagraph (D)(1)(d) hereof, the requirements of this Section (including the Outdoor Vending Machine Design Guidelines) shall be applicable to any vending machines installed prior to the adoption of the ordinance enacting this Section upon the expiration of one year after the effective date of the Ordinance. Permit applicants may be granted additional time for compliance with the requirements of this Chapter (not to exceed one year) by the Community Development Director upon a showing by the applicant of due diligence in seeking to obtain the permits and design review required by this Chapter.

H. APPEALS. A decision of the Sign Committee or a decision of the Architectural Board of Review made pursuant to this Section may be appealed in accordance with the applicable appeal procedures of subsection (I) of Section 22.70.050.

I. DEFINITION OF "READILY VISIBLE TO THE PUBLIC." For the purposes of this Section, the phrase "readily visible to the public" shall mean that a majority of the face panel of a vending machine can typically, reasonably, and usually be observed by an average person standing or traveling upon a City public right-of-way or visible from a parking or other area generally open for public use, including those vending machines which are located indoors but visible and less than four (4) feet from a window. Where necessary whether a machine is "readily visible to the public" may be determined by the Community Development Director. (Ord. 5236, 2002.)

22.70.100 Sign Enforcement and Penalties.

A. ENFORCEMENT.

1. Every sign erected in the City shall be subject to inspection by the Community Development Director, or his deputy, to insure compliance with all provisions of the Sign Ordinance.

2. With respect to all signs existing on the effective date of this Chapter, and to all signs constructed, maintained, displayed, or altered after the effective date of this Chapter, it shall be the duty of the Community Development Director to enforce this Chapter.

3. It shall be the duty of the Community Development Director to enforce this Chapter for any signs installed contrary to the approved plans or to any conditions imposed by the Sign Committee.

4. The Community Development Director or any of his deputies shall have the right to enter upon any premises upon which any sign has been erected to enforce compliance with the provisions of this Chapter and to cause the removal of any sign maintained in violation of this Chapter. Whenever a sign is installed, erected or maintained in violation of this Chapter, the same shall constitute prima facie evidence that the person benefited by the sign placed or authorized the placement of the sign and shall be held responsible therefore.

B. PENALTIES. Any person who violates the provisions of this Chapter shall be subject to the penalties described on Chapter 1.28 of the Santa Barbara Municipal Code. (Ord. 4484, 1987; Ord. 4259, 1984.)

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Chapter 22.75

OUTDOOR LIGHTING

Sections:

22.75.010	Purpose.	22.75.060	Control of Nuisance Lighting In and Adjacent to Residential Zones.
22.75.020	Definitions.		
22.75.030	Certain Lighting Prohibited.		
22.75.040	Certain Lighting Exempted.		
22.75.050	Outdoor Lighting Review by the Architectural Board of Review and the Historic Landmarks Commission.		

22.75.010 Purpose.

In order to preserve and enhance the unique qualities of Santa Barbara's residential neighborhoods and its visual environment, it is essential to encourage the highest quality of outdoor night-time lighting through the adoption of lighting standards.

This ordinance is intended to reduce problems created by improperly designed and incorrectly installed outdoor lighting, particularly in the City's residential zones. It is intended to provide for safety and security concerns, without contributing to the problems associated with glare, light trespass, or skyglow, and to promote the efficient use of energy.

This ordinance establishes certain regulations and design review requirements intended to limit the uses of outdoor lighting to certain appropriate land uses and to prohibit the use of certain lighting fixtures.

This ordinance recognizes the benefits of outdoor night-time lighting and provides clear guidelines for its design and installation to help maintain and complement Santa Barbara's character.

22.75.020 Definitions.

For the purposes of this Title, the following words and phrases shall have the meanings set forth herein:

- A. **ADJACENT.** Immediately next to.
- B. **AMBIENT LIGHTING.** The general character and overall level of illumination in a particular area.
- C. **DIRECT UPWARD LIGHT EMISSION.** Light rays that are emitted from a fixture that are above a horizontal plane intersecting that light source or fixture.
- D. **GLARE.** Brightness in the field of view that is sufficiently greater than the amount to which the eye is adapted, causing annoyance, discomfort, or loss of visual performance and visibility.
- E. **LASER LIGHTS.** A laser source light, or any similar high intensity light, used for outdoor advertising or entertainment, when projected above the horizontal.
- F. **LIGHT SOURCE.** Any man-made light source, or collection of light sources that produce light by any means.
- G. **LIGHT TRESPASS.** Light produced by a Lighting Fixture that illuminates a surface beyond the boundaries of the property on which it is located.
- H. **LIGHTING FIXTURE.** A complete unit consisting of a Light Source together with a housing and parts designed to distribute and aim the light, located outside a building, including but not limited to, fixtures attached to any part of a structure, located on the surface of the ground, or located on free standing poles.
- I. **LOW VOLTAGE.** Operating at 24 volts or less or as defined by Section 551-2 of the National Electrical Code (1993 edition) or as such Code is subsequently amended from time to time.
- J. **NUISANCE LIGHTING.** Includes, but is not limited to, Glare, Light Trespass, and Skyglow.
- K. **OUTDOOR LIGHTING.** The night time illumination of an outside area or object, or any man-made light emitting object located outdoors.
- L. **OUTDOOR RECREATIONAL COURT.** Includes, but is not limited to, a field, court, or other area, whether permanent or temporary, designed or used for playing any sport or game, such as tennis, volleyball, basketball, or badminton, or similar outdoor game or sport, but not including lighting for a swimming pool which is located beneath the surface of the water.
- M. **SEARCHLIGHT.** A mobile or fixed projector designed to produce an approximately parallel beam of light which is aimed above the horizontal plane, the use of which includes, but is not limited to, advertising for special events.
- N. **SHIELDED.** A Lighting Fixture having a configuration of the housing or optics that prevents a direct view to the light source from normal viewing angles (i.e., less than 20° above the horizontal plane).
- O. **SKYGLOW.** The adverse effect of brightening of the night sky due to man-made lighting.

22.75.030 Certain Lighting Prohibited.

A. **GENERAL PROHIBITIONS.** The use of the following Lighting Fixtures shall be prohibited in all zones of the City:

1. Mercury vapor and low-pressure sodium fixtures and lamps except when used for landscape lighting accent purposes.
2. Searchlights, Laser Lights, or similar high intensity outdoor lights except pursuant to a special lighting event permit granted pursuant to subsection C hereof.
3. Lighting Fixtures mounted in such a way as to illuminate a roof or an awning.
4. Lighting Fixtures mounted to aim light only towards a property line.
5. Lighting Fixtures mounted in a way that is distracting to motorists or in a way that interferes with the safe operation of a motor vehicle, as may be determined by the City Engineer.
6. Lighting that is blinking, moving, or which changes in intensity except small temporary lighting fixtures installed and used only during the period between the last week of November and first week of January of the following year.

B. **OUTDOOR RECREATIONAL COURT LIGHTING IN RESIDENTIAL AREAS.** The lighting of an Outdoor Recreational Court is prohibited in all residential zones of the City except where such a Court is located on a property used for non-residential purposes in accordance with the applicable provisions of Title 28 for non-residential uses in residential zones.

C. **SPECIAL LIGHTING EVENTS.** Upon the application of a property owner or a business within the City, the Community Development Director may grant a temporary permit for the use of a searchlight, laser light or other similar lighting fixture for a period not to exceed eight (8) consecutive hours, provided that no such permit shall be granted for any one property (or business location) within the City more often than five (5) times during any 180 day period and provided further that in no case shall a searchlight, laser light, or other similar lighting fixture be operated pursuant to such a permit between midnight and sunrise.

22.75.040 Certain Lighting Exempted.

The use of the following Lighting Fixtures and Light Sources are exempted from regulation pursuant to this Chapter:

A. **LOW VOLTAGE FIXTURES.** Low Voltage lighting except for those Fixtures regulated pursuant to subsection 22.75.030A(6) above.

B. **CONTROLLED FIXTURES.** A Lighting Fixture controlled by a motion detector in a residential zone provided the motion detector is predominantly in the off mode and it is installed to minimize Nuisance Lighting.

22.75.050 Outdoor Lighting Review by the Architectural Board of Review and the Historic Landmarks Commission.

Those projects for which review is required by the Architectural Board of Review pursuant to the requirements of Chapter 22.68 and those projects for which review is required by the Historic Landmarks Commission pursuant to Chapter 22.22 shall also be reviewed for consistency with the City Outdoor Lighting Design Guidelines approved by resolution of the City Council.

22.75.060 Control of Nuisance Lighting In and Adjacent to Residential Zones.

A. **GENERALLY.** Outdoor lighting in residential zones and outdoor lighting on real properties adjacent to residential zones shall be designed, installed, and operated so that it is compatible with the ambient lighting of the neighborhood in which it is located. Such lighting shall be designed, installed, and operated to control glare, prevent light trespass onto adjacent areas, minimize direct upward light emission, promote effective security, avoid interference with safe operation of motor vehicles. The minimum intensity needed for the intended purpose shall be used.

B. **ENFORCEMENT.** The staff of the Community Development Department shall be responsible for the enforcement of this Section provided, however, that enforcement shall occur only upon a written complaint and upon a determination by City enforcement staff that the light or lights constitutes Nuisance Lighting which is unreasonably and negatively affecting a neighboring resident. Upon such a determination, the light or lights shall constitute a public nuisance which may be abated by the City and which, if necessary, may be enjoined by a court of competent jurisdiction.

C. **ENFORCEMENT MEASURES.** Prior to the initiation of legal measures for the enforcement of this Section, the staff of the Community Development Department shall attempt to remedy a reasonable complaint concerning Nuisance Lighting by recommending or, if necessary, by requiring the property owner of the property from which the light emanates to take appropriate steps to eliminate the Nuisance Lighting. Such steps may include, but are not limited to, each of the following (or any combination thereof) in the priority listed herein:

1. The use and application of appropriate lighting equipment, fixture locations, shielding, light sources and illumination intensities, and through the elimination of unnecessary lighting.

2. Nuisance Lighting control through the use of vegetation, landscaping, fences or similar screening methods and fixture aiming adjustments.

3. Restrictions on the hours of operation or by requiring the use of motion detector switches or timers to trigger the lights only on an as needed basis.

4. The preparation and implementation of a professional lighting plan designed to avoid Nuisance Lighting which plan is reviewed by and acceptable to the Architectural Board of Review or the Historic Landmarks Commission, as applicable.

D. **PRIVATE RIGHT OF ACTION.** Any aggrieved person may enforce the provisions of this Section by means of a civil action seeking injunctive relief in a court of competent jurisdiction.
(Ord. 5035, 1997.)

CHAPTER 22.76

VIEW DISPUTE RESOLUTION PROCESS

Sections:

22.76.010 Findings.	22.76.100 Restoration Action Limitations.
22.76.020 Intent and Purpose.	22.76.110 View or Sunlight Claim Evaluation Criteria.
22.76.030 Definitions.	22.76.120 Hierarchy of Restoration Actions.
22.76.040 View or Sunlight Claim Limitations.	22.76.130 Responsibility for Restoration Action and Subsequent Maintenance.
22.76.050 Private View or Sunlight Claim.	22.76.140 Liability.
22.76.060 Initial Discussions.	
22.76.070 Mediation.	
22.76.080 Arbitration.	
22.76.090 Private Cause of Action - View Restoration.	

22.76.010 Findings.

The City Council finds and declares as follows:

A. Both views and trees and vegetation contribute to the aesthetic value, quality of life, ambiance and economic value of properties within the City of Santa Barbara. Similarly, access to sunlight across property lines contributes to the health and well being of community members, enhances property values and provides an opportunity to utilize solar energy. Utilization of passive solar energy reduces air pollution, visual blight and promotes the general health and welfare of the residents of the City.

B. Views, whether of the Pacific Ocean, the Channel Islands, the City, the Santa Ynez Mountains, the surrounding hillsides and canyons, or other natural and man-made landmarks produce a variety of significant and tangible benefits for both residents and visitors. Views contribute to the aesthetic visual environment of the City of Santa Barbara by providing scenic vistas and inspiring distinctive architectural design.

C. Trees and vegetation produce a wide variety of significant psychological and tangible benefits for both residents and visitors to the community. Trees and vegetation provide privacy, modify temperatures, screen winds, replenish oxygen to the atmosphere, maintain soil moisture, mitigate soil erosion and provide wildlife habitat. Trees and vegetation contribute to the visual environment and aesthetics by blending, buffering and reducing the scale and mass of architecture. Trees and vegetation within the City provide botanical variety and a sense of history. Trees and vegetation also create shade and visual screens and provide a buffer between different land uses.

D. The benefits derived from views, trees and vegetation and sunlight may come into conflict. The planting of trees and other vegetation and their subsequent growth, particularly when such trees are not properly maintained, can produce unintended harmful effects both on the property on which they are planted or on neighboring properties. (Ord. 5220, 2002.)

22.76.020 Intent and Purpose.

The intent and purpose of this Chapter is to accomplish the following:

A. **Right to Scenic View and Sunlight Access.** Establish the right of a real property owner to preserve scenic views and access to sunlight free from unreasonable obstructions caused by the growth of trees under circumstances where such views and sunlight access existed prior to the growth of the unreasonable obstruction.

B. **Dispute Resolution Process.** Establish that real property owners are in need of a process to resolve disputes among themselves concerning view or sunlight access within the immediate vicinity of their property.

C. **Evaluation Procedures.** Establish procedures and evaluation criteria by which private real property owners may seek a mutually acceptable resolution of such views or sunlight access disputes.

D. **Protect Trees.** Discourage ill-considered damage to trees and vegetation and promote proper use of trees and landscaping establishment and maintenance.

E. **Not a Covenant or Servitude.** It is not the intent and purpose of this Chapter for the City to create either a covenant running with the land or an equitable servitude.

F. **Right Exclusive to this Chapter.** Nothing herein shall be deemed to establish a general right of a homeowner to affect or restrict the lawful development or use (including the use and maintenance of landscaping) of a neighboring property under circumstances where such development or use is otherwise permitted, approved, or allowed under the provisions of the Santa Barbara Municipal Code. In addition, nothing herein shall be deemed or construed to provide a homeowner with any thing other than the rights specified in this Chapter for the restoration of a view or access to sunlight and a right to utilize the dispute resolution process for addressing unreasonable tree or vegetation view obstructions, as such claim process is established herein. (Ord. 5220, 2002.)

22.76.030 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings set forth herein:

A. **ALTER.** To take action that changes a tree or vegetation, including but not limited to extensive pruning of the canopy area, topping, cutting, girdling, interfering with the water supply, applying chemicals or re-grading around the feeder root zone of the tree or vegetation.

B. **ARBITRATION.** A voluntary legal procedure for settling disputes and leading to a determination of rights of parties, usually consisting of a hearing before an arbitrator where all relevant evidence may be freely admitted as set forth in California Code of Civil Procedure Section 1280 et. seq.

C. **ARBITRATOR.** A mutually agreed upon neutral third party professional intermediary who conducts a hearing process and who hears testimony, considers evidence, and makes a decision for the disputing parties. The arbitrator may be chosen from a list available from the City of qualified and professionally trained arbitrators, including but not limited to members of the American Association of Arbitrators.

D. **ARBORIST, CERTIFIED.** A person who has passed a series of tests by the International Society of Arboriculture (ISA), is governed by ISA's professional code of ethics and possesses the technical competence through experience and related education and training to provide for or supervise the management of trees and other woody plants.

E. **AUTHORIZED AGENT.** A person, as defined herein, who has been designated and approved in writing by a real property owner of record to act on his or her behalf in matters pertaining to the processing of a view or sunlight claim as outlined in this Chapter.

F. **CANOPY.** The umbrella-like structure created by the overhead leaves and branches of a tree which create a sheltered area below.

G. **CITY MAINTAINED TREES.** Trees which are specifically designated for maintenance by the City Council for City maintenance under SBMC Section 15.20.050 in the Master Street Tree Plan adopted pursuant to SBMC Section 15.20.030.

H. **CITY PROPERTY.** Real property of which the City is the fee simple owner of record.

I. **CLAIM, VIEW OR SUNLIGHT.** Documentation, as set forth in Section 22.76.050, that outlines the basis of view or sunlight access diminishment and the specific restoration action that is being sought which shall serve as the written basis for arbitration or a legal cause of action under the provisions of this Chapter.

J. **COMPLAINANT.** Any property owner, group of property owners (or an authorized agent thereof) who allege that tree(s)/vegetation located within the immediate vicinity of their property as set forth in Section 22.76.040 is causing unreasonable obstruction of the view or blocking the sunlight benefiting the real property of the Complainant.

K. **CROWN.** The rounded top of the tree.

L. **CROWN REDUCTION/SHAPING.** A method of comprehensive trimming that reduces a tree's height or spread. Crown reduction entails the reduction of the top, sides, or individual limbs of a tree by means of removal of leaders or the longest portion of limbs to a lateral large enough to assume the terminal.

M. **DESTROY.** To take action that endangers the health or vigor of a tree or vegetation, including but not limited to, cutting, girdling, interfering with the water supply, applying chemicals or re-grading around the base of the trunk of a tree.

N. **DIRECTOR.** The Director of the City Community Development Department.

O. **HEADING BACK.** The overall reduction of the mass of a tree by modification to its major limbs.

P. **HISTORIC or SPECIMEN TREE.** Any tree or stand of trees that have been designated as either an Historic Tree or a Specimen Tree pursuant to the authority of the Santa Barbara Municipal Code Chapters 15.20 and 15.24.

Q. **LACING or THINNING.** A comprehensive method of trimming that systematically and sensitively removes excess foliage and improves the structure of a tree.

R. **LANDSCAPE CONSULTANT.** A landscape professional retained to provide advice and information regarding landscape plans, view or sunlight claims, and landscaping techniques and maintenance procedures.

S. **MAINTENANCE PRUNING.** Pruning with the primary objective of maintaining or improving tree health and structure; includes "crown reduction/shaping" or "lacing," but not ordinarily "topping" or "heading back".

T. **MEDIATOR.** A neutral, objective third party professional negotiator to help disputing parties reach a mutually satisfactory solution regarding a view or sunlight claim. The mediator may be chosen from a list available from the City of qualified and professionally trained (arbitrators/mediators), including but not limited to members of the American Association of Arbitrators.

U. **OBSTRUCTION.** The blocking or diminishment of a view or sunlight access attributable to growth, improper maintenance or location of trees or vegetation.

V. **PERSON.** Any individual, individuals, corporation, partnership, firm or other legal entity.

W. **PRUNING.** The removal of plant material from a tree or from vegetation.

X. **REAL PROPERTY.** Rights or interests of ownership of land and all appurtenances to the land including buildings, fixtures, vegetation and improvements erected upon, planted, or affixed to the land.

Y. **RESTORATION ACTION.** Any specific steps taken affecting trees or vegetation that would result in the restoration of a view or sunlight access across real property lines.

Z. **SEVERE PRUNING.** The cutting of branches or trunk of a tree in a manner which substantially reduces the overall size of the tree or destroys the existing symmetrical appearance or natural shape of the tree and which results in the removal of main lateral branches leaving the trunk and branches of the tree in a stub appearance. "Topping" and "heading back" as defined herein are considered to be severe pruning.

AA. **STAND THINNING.** The selective removal of a portion of trees from a grove of trees.

BB. **STREET.** The portion of a right-of-way easement used for public purposes, such as roadway improvements, curbs, gutters and sidewalks, dedicated to the City, and formally accepted by the City into the City public street system for maintenance purposes.

CC. **SUNLIGHT.** The availability or access to light from the sun across property lines.

DD. **TOPPING.** Eliminating the upper portion of the trunk or main leader of a tree.

EE. **TREE.** Any woody perennial vegetation that generally has a single trunk and reaches a height of at least eight feet at maturity.

FF. **TREE or VEGETATION OWNER.** Any person owning real property in the City whereon tree(s) or vegetation is located.

GG. **VIEW.** A vista of features, including but not limited to, bodies of water, beaches, coastline, islands, skylines, ridges, hillside terrain, canyons, geologic features, mountains, and landmarks. The term "view" does not necessarily include an unobstructed panorama of these features.

HH. **VISTA PRUNING.** The selective thinning of framework limbs or specific areas of the crown of a tree to allow a view from a specific point. (Ord. 5220, 2002.)

22.76.040 View or Sunlight Claim Limitations.

A. **PRIVATE VIEW DISPUTE RESOLUTION.** Subject to the other provisions of this Chapter, the owner or owners of real property within the City (as the "Complainant") may initiate the private view dispute resolution process provided for in this Chapter. However, a request for view or sunlight access dispute resolution may only be made if such a claim has not been initiated against the same real property by the Complainant with respect to the same tree or vegetation obstruction within a two-year time period prior to the initiation of the most recent request.

B. **CITY OWNED AND MAINTAINED TREES.** Nothing herein shall provide any authority or process for the permitting of alterations to or the removal of City Maintained Trees or the alteration or removal of those trees regulated by SBMC Chapters 15.20 and 15.24. (Ord. 5220, 2002.)

22.76.050 Private View or Sunlight Claim.

A. **NOTICE TO CITY OF COMPLAINT.** A Complainant shall notify the City Community Development Department of any request for mediation or arbitration pursuant to the provisions of this Chapter and shall provide the City with the claim documentation materials described in subsection B hereof. Such notification and documentation shall be for the purposes of City record-keeping regarding the use of this Chapter only and shall not obligate the City to assist or advise a property owner or participate in the dispute resolution process in any way.

B. **CONTENTS OF CLAIM.** A view or sunlight restoration dispute resolution process claim shall consist of all of the following documentation and evidence:

1. **Evidence of Prior View.** A written description of the nature and extent of the alleged obstruction, including pertinent and corroborating photographic evidence. Evidence may include, but is not limited to, documented and dated photographic prints or slides as well as written testimony or declarations from residents living in the area. Such evidence should, if possible, show the extent to which the view or sunlight access has been diminished over time by the excessive growth of the trees or vegetation;
2. **Evidence Regarding Unreasonable Tree Blockage.** The location of all trees or vegetation alleged to cause the obstruction, the address of the property upon which the trees or vegetation are located, and the present tree/vegetation owner's name and address;
3. **Desired Action.** The specific view or sunlight access restoration actions being requested by the Complainant in order to resolve the allegedly unreasonable view obstruction;
4. **Evidence of Attempted Resolution.** Evidence that an initial discussion between the two property owners (as described in Section 22.76.060) has been made and has failed. Evidence may include, but is not limited to, copies of receipts for certified or registered mail correspondence;
5. **Evidence of Ownership.** Evidence confirming the ownership and the date of acquisition of the Complainant's property.

(Ord. 5220, 2002.)

22.76.060 Initial Discussions.

A. **INITIAL CONTACT.** A Complainant who believes that a tree or some other vegetation which has grown on another person's real property has caused unreasonable obstruction of a view or sunlight access from the Complainant's property shall first advise the tree or vegetation property owner of such view or sunlight blockage concerns. This notification shall request personal discussions to enable the Complainant and tree/vegetation property owner to attempt to reach a mutually agreeable solution and shall be followed up with a written confirmation of any agreed-upon resolution and schedule for the required work of view restoration.

B. NOTIFICATION REQUIREMENTS. The initial notification from the Complainant to the owner of the tree/vegetation shall provide a copy of the View Preservation Ordinance (Santa Barbara Municipal Code Chapter 22.76). In the initial notification, the Complainant shall invite the tree/vegetation owner to view the alleged obstruction from the Complainant's property, and the tree/vegetation owner is urged to invite the Complainant to view the situation from the owner's property. Failure of the tree/vegetation owner to respond to the written request for initial discussion within thirty (30) days from the date of posting shall be deemed a refusal by the owner to participate in the initial discussion phase of the process.

C. FAILURE TO AGREE. After the initial discussion, if the parties do not agree as to the existence and nature of the Complainant's obstruction or to the appropriate restoration action or if the initial discussion is refused, the Complainant may proceed with the subsequent dispute resolution process outlined herein with respect to mediation, arbitration, and court action. (Ord. 5220, 2002.)

22.76.070 Mediation.

A. MEDIATION REQUEST. If initial discussion under Section 22.76.060 fails to achieve agreement between the tree/vegetation owner and Complainant, the Complainant may send to the tree/vegetation owner a request that the tree/vegetation owner accept participation in a mediation process in an effort to resolve the view or sunlight blockage claim. Acceptance of mediation by the tree/vegetation owner shall be voluntary. However, the request may inform the tree/vegetation owner that failure to participate in mediation may be brought to the court's attention in the event of subsequent legal action by the Complainant. Failure of the tree/vegetation owner to respond to the notice requesting mediation within thirty (30) days from the date of posting shall be deemed formal refusal of the mediation process by the tree/vegetation owner.

B. SELECTION OF MEDIATOR. If the tree/vegetation owner agrees to participate in a mediation process, the parties shall agree in writing to the selection of an individual mediator, which may be chosen from a list of professional mediators available from the City Community Development Department.

C. AUTHORITY OF MEDIATOR. The mediator is encouraged to be guided by the provisions of this Chapter, including the claim evaluation criteria and the hierarchy of restoration actions set forth in Sections 22.76.110 and 22.76.120, respectively, in attempting to mediate a resolution of the view or sunlight blockage claim. The mediator may request a consultation or information from a certified arborist (chosen from a list of such arborists made available by the Community Development Director) regarding any questions involving landscape techniques or maintenance procedures, with the expense of such consultation payable as a mediation expense in accordance with the provisions of this Chapter.

D. ROLE OF THE MEDIATOR; COSTS; FAILURE TO RESPOND. The role of the mediator shall be advisory in nature and shall not be binding in establishing view or sunlight restoration action. Any agreement reached between the two parties as a result of the mediation process described herein shall be reduced to writing by the mediator and signed by the mediator and all of the parties. The cost of mediation shall be paid by the Complainant or shared in a manner set by mutual agreement between the parties. The failure of the tree/vegetation owner to respond to implement (or allow the implementation of) a mediated resolution within thirty (30) days of the submission of the mediated resolution to the owner (as established by the posting date) shall be deemed a refusal by the tree/vegetation owner to accept mediation. (Ord. 5220, 2002.)

22.76.080 Arbitration.

A. REQUEST FOR ARBITRATION. If the initial discussion under Section 22.76.060 or a mediated resolution pursuant to Section 22.76.070 fails to achieve agreement between the tree/vegetation owner and the Complainant, the Complainant may advise the tree/vegetation owner in writing that the Complainant is requesting participation in a formal arbitration process. Acceptance of arbitration by the tree/vegetation owner shall be voluntary. However, the request may inform the tree/vegetation owner that failure to participate in the arbitration process may be brought to the court's attention in the event of subsequent legal action by the Complainant pursuant to Section 22.76.090. The tree/vegetation owner shall have thirty (30) days from posting of the arbitration notice to either accept or decline arbitration. Failure to respond within thirty (30) days shall be deemed a formal refusal of arbitration. If accepted, the parties shall agree in writing to the selection of an individual arbitrator, who may be chosen from a list of professional arbitrators available from the City, within thirty (30) days of such acceptance. If the parties do not agree on a specific arbitrator within thirty days, either party may petition a court of competent jurisdiction to appoint an arbitrator.

B. AUTHORITY OF ARBITRATOR. The arbitrator is encouraged to be guided by the provisions of this Chapter, including the claim evaluation criteria and the hierarchy of restoration actions set forth in Sections 22.76.110 and 22.76.120, respectively, in attempting to help resolve the view or sunlight blockage claim and shall submit a complete written decision to the Complainant and the tree/vegetation owner. An arbitrator is encouraged to request a report from a certified arborist with respect to the view obstruction dispute. Any decision of the arbitrator shall not be binding and shall only be enforceable pursuant to the provisions of California Code of Civil Procedure Section 1285 et seq.

C. ACCEPTANCE OF THE ARBITRATOR'S DECISION; COSTS OF ARBITRATION. The failure of the tree/vegetation owner to implement the arbitrator's decision within thirty (30) days of the posting of the written decision shall be deemed a refusal to accept arbitration. The costs of arbitration shall be paid by the Complainant or shared by mutual agreement between the parties. (Ord. 5220, 2002.)

22.76.090 Private Cause of Action – View Restoration.

A. **INITIAL COMPLAINT.** If a Complainant has pursued and has been unsuccessful in attempting to obtain an acceptable restoration under Section 22.76.060 ("Initial Discussion"), Section 22.76.070 ("Mediation"), or Section 22.76.080 ("Arbitration"), the Complainant may initiate a civil action in Superior Court for the County of Santa Barbara for resolution of owner's view or sunlight claim under the provisions of this Chapter. The Complainant is encouraged to provide the Court the results of the view or sunlight claim resolution process, particularly any proposed mediator's or arbitrator's decision, as well as any report or study prepared by a certified arborist prepared in connection with the view obstruction dispute. At the discretion of the judge issuing a judgment pursuant to this section, the judgment may be recorded in the official records of Santa Barbara County.

B. **SUBSEQUENT COMPLAINTS.** A Complainant who has initiated a Complaint and obtained Restoration Action through mediation or arbitration under this Chapter with respect to a particular Obstruction within two (2) years of a subsequent Complaint shall not be required to seek mediation or arbitration on the subsequent Complaint for the same obstruction prior to initiating legal action pursuant to this Section. (Ord. 5220, 2002.)

22.76.100 Restoration Action Limitations.

Except as otherwise authorized by law, no tree or vegetation on real property owned or controlled by another person may be removed, destroyed, or otherwise altered unless the Complainant either enters into a written agreement with the tree/vegetation owner allowing the Complainant to enter the property to do so or the Complainant obtains a judicial determination specifying, in detail, the nature and timing of the restoration action, the Complainant's right to enter the property, and designating the parties responsible for performing such restoration action. In all cases, restoration actions shall be structured and implemented in accordance with the hierarchy established by Section 22.76.120. (Ord. 5220, 2002.)

22.76.110 View or Sunlight Claim Evaluation Criteria.

In evaluating and resolving a view or sunlight claim, the following unranked criteria shall be considered:

- A. The vantage point(s) in the Complainant's home from which the view or sunlight is obtained or received;
- B. The extent of the view or sunlight obstruction;
- C. The quality of the view or sunlight access, including the existence of landmarks or other unique view features, or the extent to which these views or sunlight access are blocked by tree(s) or vegetation;
- D. The extent to which the view or sunlight access is diminished by factors other than tree(s) or vegetation;
- E. The extent to which the tree(s) or vegetation have grown to obscure the enjoyment of view or sunlight access from the Complainant's property compared with the view or sunlight access which was available at the time the Complainant acquired his or her home;
- F. The number of existing trees or amount of vegetation in the area, the number of healthy trees that a given parcel of land will support, and the current effects of the tree(s) and their removal on the neighboring vegetation;
- G. The extent to which the tree(s) or vegetation provide:
 - 1. Screening or privacy;
 - 2. Energy conservation or climate control;
 - 3. Soil stability, as measured by soil structure, degree of slope, and extent of the tree's root system when a tree is proposed for removal;
 - 4. Aesthetics;
 - 5. Community or neighborhood quality or significance;
 - 6. Shade;
 - 7. Historical context due to the age of the tree/vegetation;
 - 8. Rare and interesting botanical species;
 - 9. Habitat value for wildlife; and
 - 10. Blending, buffering or reduction in the scale and mass of adjacent architecture.
- H. The date the Complainant purchased his or her property and circumstances which existed at that time with respect to the view;
- I. The date the tree/vegetation owner purchased his or her property and circumstances which existed at that time with respect to the view;
- J. The distance between the Complainant's home and the tree or vegetation Obstruction for which Restoration Action is sought;
- K. Whether the tree or vegetation Obstruction is located within a City-designated "High Fire Hazard" zone and constitutes the type of trees or vegetation not generally encouraged for new residential construction within such zones;
- L. The extent to which the City has an interest in the preservation of an affected tree in its present form due to its unique character, its historical importance, or other specific factors as may be identified by a certified arborist. (Ord. 5220, 2002.)

22.76.120 Hierarchy of Restoration Actions.

View or sunlight restoration actions must be consistent with all other provisions of this Chapter and SBMC Title 22 generally. Severe pruning should be avoided due to the damage such practice causes to the tree's form and health. Restoration actions may include, but are not limited to the following, in order of preference:

- A. **Lacing or Thinning.** Lacing/thinning is the most preferable pruning technique that removes excess foliage and can improve the structure of the tree.
- B. **Vista Pruning.** Vista pruning of branches may be utilized where possible, if it does not adversely affect the tree's growth pattern or health. Topping should not be done to accomplish vista pruning.
- C. **Crown Reduction.** Crown reduction is preferable to topping or tree removal, if it is determined that the impact of crown reduction does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree(s) in question.
- D. **Stand Thinning.** The removal of a portion of the total number of trees from a grove of trees, without any replacement plantings.
- E. **Topping.** Eliminating the upper portion of a tree's trunk or main leader. Topping is only to be permitted for trees specifically planted and maintained as a hedge, espalier, bonsai or in pollard form and if restoration actions (A) through (D) of this section will not accomplish the determined restoration and the subsequent growth characteristics will not create a future obstruction of greater proportions.
- F. **Heading Back.** Eliminating the outer extent of the major branches throughout the tree. Heading back is only to be permitted for trees specifically planted and maintained as a hedge, espalier, bonsai or in pollard form and if restoration actions (A) through (E) of this section will not accomplish the determined restoration and the subsequent growth characteristics will not create a future obstruction of greater proportions.
- G. **Tree/Vegetation Removal.** Tree or vegetation removal, which may be considered when the above-mentioned restoration actions are judged to be ineffective and may be accompanied by replacement plantings or appropriate plant materials to restore the maximum level of benefits lost due to tree removal. (Ord. 5220, 2002.)

22.76.130 Responsibility for Restoration Action and Subsequent Maintenance.

The costs of restoration action and subsequent maintenance shall be determined either by agreement between the tree or vegetation owner and the Complainant or as required pursuant to any final arbitration decision or court order. (Ord. 5220, 2002.)

22.76.140 Liability.

- A. **NON-LIABILITY OF CITY.** The City shall not be liable or responsible for any damages, injury, costs or expenses which are the result of any recommendations or determinations made by City Staff or mediator, or decisions made by other persons (e.g., arbitrator or judge) concerning a view or sunlight claim or a Complainant's assertions pertaining to views or sunlight access granted or conferred herein.
- B. **CITY ENFORCEMENT.** Under no circumstances shall the City have any responsibility or obligation to enforce or seek any legal redress, civil or criminal, for any decision made concerning a view or sunlight claim.
- C. **NO CRIMINAL RESPONSIBILITY.** Notwithstanding Chapter 1.28 of the Santa Barbara Municipal Code, a failure to comply with the provisions of this Chapter is not a criminal offense, and the enforcement of this Chapter shall be only by the affected and interested private parties. (Ord. 5220, 2002.)

CHAPTER 22.80

WATER CONSERVATION STANDARDS

Sections:

22.80.010 Plumbing Standards for Water Conservation.

22.80.020 Water Conservation Landscape Design Standards.

22.80.010 Plumbing Standards for Water Conservation.

Plumbing standards for water conservation shall be as contained in the Uniform Plumbing Code as adopted and amended by the City of Santa Barbara in Chapter 22.04 of this Code. (Ord. 4558, 1989.)

22.80.020 Water Conservation Landscape Design Standards.

Each development proposal that is subject to the review of the Architectural Board of Review or the Historic Landmarks Commission shall be required to comply with the City's Water Conservation Landscape Design Standards as adopted by resolution of the City Council. Each development proposal not subject to such review shall comply with such other water conservation landscape requirements as may be adopted by the City Council. (Ord. 4847, 1994; Ord. 4558, 1989)

**ENERGY CONSERVATION STANDARDS FOR
NEW RESIDENTIAL CONSTRUCTION**

Sections:

22.82.010 Purpose.

22.82.020 Findings.

**22.82.030 Energy Conservation
Requirements.**

22.82.040 Administration.

22.82.010 Purpose.

The purpose and intent of this chapter is to establish standards which promote the efficient use of energy in new residential structures by requiring cost effective energy conservation measures. (Ord. 4212, 1983.)

22.82.020 Findings.

The City Council makes the following findings:

1. Electrical and natural gas energy used to heat residential structures is essential to the health, safety, and welfare of the community. Since the 1973 oil crisis, the United States has faced rising prices and uncertain supplies of energy. This uncertainty results in an increasing economic burden on the citizens of the City of Santa Barbara.
2. Local action to promote energy conservation through the application of appropriate energy conservation standards to new residential buildings can mitigate this serious problem. Conservation of energy in this manner results in decreased energy use in buildings and lower energy bills for consumers and diminishes the threat to the health and welfare of residents posed by energy shortages.
3. Energy conservation measures exist which are cost effective and simple to install. The California Energy Commission conducted an extensive financial analysis demonstrating the cost-effectiveness of specified energy conservation standards.
4. The California Energy Commission adopted such cost effective standards when it approved Energy Conservation Standards on or about July 15, 1981 which have been incorporated into Title 24 of the California Administrative Code.
5. These Standards established sixteen (16) different climate zone designations with different building requirements which recognized the unique climates in different areas of the State of California.
6. The City of Santa Barbara is located in Climate Zone 6 which covers a coastal zone from Gaviota to San Clemente and the Channel Islands.
7. Climate Zone 6 of these Standards is designed for the unique local climatological, geographical and topographical conditions existing in the City of Santa Barbara.
8. Modification of the construction requirements contained in Chapter 22.04 of the Santa Barbara Municipal Code is necessary to implement the Energy Conservation Standards for new residential construction that are required by this Chapter. (Ord. 4212, 1983.)

22.82.030 Energy Conservation Requirements.

1. Requirements. In addition to any other construction requirements contained in the Code, all applications for residential building permits which are submitted to the City for approval after the effective date of the ordinance that adopts this Section shall comply with the building energy regulations set forth in the California Administrative Code, Title 24, Sections 2-5351 and 2-5352. Said regulations are incorporated into this Chapter by this reference as though set forth herein in their entirety. A copy of said regulations shall be kept on file in the offices of both the City Clerk and Building Official.

2. Exemption. The following categories of construction are exempted from compliance with Subsection 1 of Section 22.82.030:

- a. All insulation thickness requirements, if not commercially available, shall be next smaller commonly available size.
- b. The requirements for fireplace glass doors and outside air supply for fireplaces shall be optional.
- c. Slab floor perimeter insulation shall not be required unless located within five feet of a designated solar direct gain slab area as required for Package A of the Energy Standards. In lieu of this requirement, continuous caulking or insulation strips shall be installed between all exterior wall sill plates and their underlying concrete slab or footing area. (Ord. 4212, 1983.)

22.82.040 Administration.

1. Fees. Reasonable fees shall be established to cover the costs of administering this and shall be set by resolution of the City Council.

2. Enforcement. This Chapter shall be enforced by the Building Official of the City of Santa Barbara. (Ord. 4212, 1983.)

Chapter 22.90

CONSTRUCTION PROHIBITED IN THE VICINITY OF THE CONEJO ROAD LANDSLIDE

Sections:

22.90.010 Purpose.	22.90.050 Parcels Within Slide Mass C.
22.90.020 Definitions.	22.90.060 Septic Tanks Prohibited.
22.90.030 New Construction Prohibited; Exceptions.	22.90.065 Map of Conejo Slide Drainage Area.
22.90.040 Exception: Designs by Engineering Geologist.	22.90.070 Parcels Within Conejo Slide Drainage Area.
22.90.045 Map of the Conejo Slide Area.	

22.90.010 Purpose.

By reason of special geologic hazard, unstable soils condition, and lack of suitable support, new construction must be prohibited within the area known as the "Conejo Slide." A landslide that occurred in the vicinity of Conejo Road within the City of Santa Barbara revealed unstable conditions in the area depicted on the Map of the Conejo Slide Area adopted as part of this Chapter. The area was the subject of a report (dated April, 1984) by Geotechnical Consultants, Inc. and has been under observation since. Three separate landslide masses were identified as being subject to special geologic hazard, designated as Slide Mass A, Slide Mass B, and Slide Mass C, all located within Slide Mass C on the Map of the Conejo Slide Area adopted as part of this Chapter. The earth within the boundary of Slide Mass C is unstable; structures and other property on Slide Mass A, Slide Mass B, and Slide Mass C have been damaged because of that instability; and further damage to structures and property within the boundary of Slide Mass C is highly probable. Excessive groundwater has been identified as a major cause of instability. Septic tanks have contributed sewage effluent to that excessive groundwater. The provisions of this Chapter are necessary to maintain the public safety and welfare and to protect against hazardous local geologic and soils conditions. (Ord. 5030, 1997.)

22.90.020 Definitions.

For the purposes of this title, the following words and phrases shall have the meanings indicated, unless the context or usage clearly requires a different meaning:

A. "CESSPOOL" means an excavation in the ground which receives discharge from any sanitation plumbing facilities.

B. "CONEJO SLIDE DRAINAGE AREA" means the area within the boundary depicted on the map identified as the Map of the Conejo Slide Drainage Area adopted by Section 22.90.065 of this Chapter.

C. "NEW CONSTRUCTION" means any man-made change to improved or unimproved real property after June 11, 1991, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, which requires a building permit.

D. "SEPTIC TANK" means a structure for private treatment of sewage before disposal into a cesspool, seepage hole or leaching system.

E. "SLIDE MASS C" means the landslide mass so described in the report by Geotechnical Consultants, Inc. (dated April, 1984) concerning geotechnical investigations of the Conejo Road Landslide, the boundary to which is depicted on the Map of the Conejo Slide Area adopted by Section 22.90.045 of this Chapter. (Ord. 5030, 1997.)

22.90.030 New Construction Prohibited; Exceptions.

A. All new construction is prohibited on the parcels which are located entirely or partially within the boundary of Slide Mass C, except as provided in this Chapter 22.90. The existing parcels located entirely or partially within Slide Mass C are identified in Section 22.90.050, Parcels Within Slide Mass C.

B. It shall be unlawful to erect, produce, permit, maintain or keep any new construction on a parcel which is located entirely or partially within the boundary of Slide Mass C, in violation of the provisions of this Chapter.

C. The following new construction is excepted from the prohibitions of this section:

- (i) routine repairs and maintenance to residential structures and to road, drive, and utilities improvements,
- (ii) remodeling of the interior of an existing residential structure, and,

(iii) additions to an existing building which do not exceed one hundred and fifty (150) square feet of enclosed area during any twenty four (24) month period. (Ord. 5030, 1997.)

22.90.040 Exception: Designs by Engineering Geologist.

A. The Chief of Building and Safety may approve, or approve with conditions, new construction on any portion of such affected parcels which is located at least 25 feet outside of the boundary of Slide Mass C, upon plans that incorporate the accepted findings and recommendations of a licensed engineering geologist, based upon adequate site investigations, borings, soil samples, laboratory tests and a review of all record data for the parcel and slide area, to the satisfaction of the Chief of Building and Safety and in compliance with all other applicable codes and regulations.

B. A preliminary evaluation of the engineering geologist for the suitability of improvements on such area shall be submitted for review by the Chief of Building and Safety before the preparation of plans pursuant to this section. The Chief of Building and Safety may employ expert peer review in reaching a decision as to whether to accept or reject the findings of the evaluation.

C. The decision of the Chief of Building and Safety may be appealed to the Building and Fire Code Board of Appeals, whose decisions shall be final.

D. Such approval may require submission and/or recording of a release and agreement, approved by the City Attorney, to indemnify the City, its officers and employees, from liability related to such new construction.

E. New construction in accordance with such approved plans shall not be unlawful under the provisions of this Chapter. (Ord. 5030, 1997.)

22.90.045 Map of the Conejo Slide Area.

The Map of the Conejo Slide Area, dated November 6, 1997 and depicting the parcels of real property that are located entirely or partially within the boundary of Slide Mass C of the Conejo Slide Area is hereby adopted. The City Clerk and the Chief of Building and Safety shall each keep a copy of the Map of the Conejo Slide Area on file as adopted. An example of such map shall be reproduced and codified with this section. (Ord. 5030, 1997.)

22.90.050 Parcels Within Slide Mass C.

The parcels of real property that are entirely or partially within the Conejo Slide Area, Slide Mass C, are as follows:

<u>Assessor's Parcel No.</u>	<u>Address</u>	<u>Assessor's Parcel No.</u>	<u>Address</u>
19-061-34	11 Ealand Place	19-061-25	530 Conejo Road
19-061-27	16 Ealand Place	19-062-06	481 Conejo Road
19-061-35	17 Ealand Place	19-062-07	529 Conejo Road
19-061-07	21 Ealand Place	19-062-04	525 Conejo Road
19-061-03	22 Ealand Place	19-062-05	535 Conejo Road
19-061-33	27 Ealand Place	21-143-05	1761 Sycamore Canyon Road
19-061-06	29 Ealand Place	21-143-07	1815 Stanwood Drive
19-061-17	468 Conejo Road	21-143-01	1825 Stanwood Drive
19-061-18	474 Conejo Road	13-161-04	1761 Sycamore Canyon Road
19-061-19	478 Conejo Road	21-143-06	(Edison property)
19-061-20	486 Conejo Road	21-143-04 & 13-161-03	1761 Sycamore Canyon Road
19-061-21	494 Conejo Road		
19-150-03	498 Conejo Road	19-150-05	1709 Sycamore Canyon Road
19-061-23	502 Conejo Road	19-150-10	1705 Sycamore Canyon Road
19-061-24	508 Conejo Road		

(Ord. 5030, 1997.)

22.90.060 Septic Tanks Prohibited.

No person shall construct or install a septic tank or increase the use of a septic tank on any parcel located entirely or partially within the Conejo Slide Drainage Area. Such parcels are identified in the listing of parcels adopted as Section 22.90.070 of this Chapter, entitled "Parcels Within Conejo Slide Drainage Area". (Ord. 5030, 1997.)

22.90.065 Map of Conejo Slide Drainage Area.

The Map of the Conejo Slide Drainage Area, dated November 6, 1997 and depicting the limits of the Conejo Slide Drainage Area and the parcels located entirely or partially within the Conejo Slide Drainage Area, is hereby adopted. The City Clerk and the Chief of Building and Safety shall each keep a copy of the Map of the Conejo Slide Drainage Area on file as adopted. An example of such map shall be reproduced and codified with this section. (Ord. 5030, 1997.)

22.90.070 Parcels Within Conejo Slide Drainage Area.

The parcels of real property that are either entirely or partially within the Conejo Slide Drainage Area are as follows:

<u>Assessor's Parcel No.</u>	<u>Address</u>	<u>Assessor's Parcel No.</u>	<u>Address</u>
19-061-26	10 Ealand Place	19-061-21	494 Conejo Road
19-061-34	11 Ealand Place	19-061-31	3512 Conejo Road
19-061-27	16 Ealand Place	19-150-03	498 Conejo Road
19-061-35	17 Ealand Place	19-062-11	501 Conejo Road
19-061-07	21 Ealand Place	19-061-23	502 Conejo Road
19-061-03	22 Ealand Place	19-062-10	507 Conejo Road
19-061-32	24 Ealand Place	19-061-24	508 Conejo Road
19-061-33	27 Ealand Place	19-062-09	515 Conejo Road
19-061-06	29 Ealand Place	19-062-08	523 Conejo Road
19-121-08	80 Conejo Road	19-062-07	529 Conejo Road
19-042-08	114 Conejo Road	19-061-25	530 Conejo Road
19-042-11	116 Conejo Road	19-062-04	525 Conejo Road
19-042-10	134 Conejo Road	19-062-03	533 Conejo Road
19-050-31	331 Conejo Road	19-062-05	535 Conejo Road
19-050-30	333 Conejo Road	19-062-02	545 Conejo Road
19-050-28	345 Conejo Road	21-143-07	1815 Stanwood Drive
19-061-30	352 Conejo Road	21-143-01	1825 Stanwood Drive
19-061-01	350 Conejo Road	13-161-04	1761 Sycamore Canyon Road
19-050-29	357 Conejo Road	21-143-06	(Edison property)
19-050-10	413 Conejo Road	21-143-05 & 13-161-03	1761 Sycamore Canyon Road
19-061-10	418 Conejo Road	19-150-05	1709 Sycamore Canyon Road
19-050-12	425 Conejo Road	19-150-10	1705 Sycamore Canyon Road
19-050-20	427 Conejo Road	21-143-04	1761 Sycamore Canyon Road
19-061-11	428 Conejo Road	19-130-10	1048 Las Alturas Road
19-061-12	434 Conejo Road	19-150-15	46 Camino Alto
19-050-19	435 Conejo Road	19-130-25	100 Camino Alto
19-061-13	438 Conejo Road	19-130-26	110 Camino Alto
19-050-18	441 Conejo Road	19-150-13	120 Camino Alto
19-061-29	444 Conejo Road	19-121-09	121 Camino Alto
19-050-17	447 Conejo Road	19-050-13	430 Conejo Road
19-061-37	450 Conejo Road	19-042-05	140 Camino Alto
19-061-36	456 Conejo Road	19-042-09	150 Camino Alto
19-061-16	462 Conejo Road	19-044-02	155 Camino Alto
19-061-17	468 Conejo Road	19-130-32	1050 Las Alturas Road
19-061-18	474 Conejo Road	19-130-31	1052 Las Alturas Road
19-061-19	478 Conejo Road	19-121-06	33 Las Alturas Circle
19-062-06	481 Conejo Road	19-031-14	45 Las Alturas Circle
19-061-20	486 Conejo Road		

<u>Assessor's Parcel No.</u>	<u>Address</u>	<u>Parcel No.</u>	
19-050-05	318 Sherman Road	19-042-14	140 Conejo Road
19-042-13	124 Conejo Road	19-050-15	6547 Coronita Street, Carlsbad, CA 92009 (OWNER)
19-042-12	140 Conejo Road		
<u>Assessor's</u>	<u>Address</u>		

Upon the date of taking effect, this ordinance repeals Ordinance 4698, Ordinance 4344, and Ordinance 4293. (Ord. 5030, 1997.)

Chapter 22.92

OIL DRILLING PROHIBITED

Sections:

22.92.010 Penalty for Violation.

22.92.030 Nonconforming Uses.

22.92.020 Drilling, Etc., Declared Nuisance - Abatement.

22.92.010 Penalty for Violation.

It shall be unlawful for any person, firm or corporation, whether as principal, agent, employee or otherwise, to explore for, prospect for, or drill for, or to permit or to commence the exploration, prospecting or drilling for, oil, gas or other hydrocarbon substances within the corporate limits of the City. Any such activity shall be deemed to constitute a nuisance.

The violation of any provision of this section, or of any provision of Section 1500 of the Charter prohibiting drilling for oil, gas, or other hydrocarbon substances within the corporate limits of the City shall be deemed a misdemeanor and shall be punished by a fine of not exceeding five hundred dollars (\$500.00) or imprisonment for a term of not exceeding six (6) months, or by both such fine and imprisonment.

Every day on which any violation of this section or of such section of the Charter occurs shall constitute a separate offense for any day upon which the same occurs. (Ord. 3077 §1, 1965; prior Code §33.1.)

22.92.020 Drilling, Etc., Declared Nuisance - Abatement.

Any use of property within the corporate limits of the City for the exploration, prospecting or drilling for oil, gas or other hydrocarbon substances, and any equipment or structure set up, erected, built or maintained or used thereon or therein, for the exploration, prospecting or drilling for oil, gas or other hydrocarbon substances, is declared to be a public nuisance, and the City Attorney shall, upon order of the City Council, immediately commence action proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate, remove, restrain and enjoin the use of any such property within the corporate limits of the City and the erection, maintenance or use of any such equipment or structure for any such purposes contrary to the provisions of this chapter. (Prior Code §33.2.)

22.92.030 Nonconforming Uses.

The lawful use of land existing on June 27, 1953, although such use does not conform to the provisions of this chapter may be continued, but if such nonconforming use is abandoned any future use of the land shall be in conformity with the provisions of this chapter. (Prior Code §33.3)

Chapter 22.96

MAINTENANCE OF ABANDONED AUTOMOBILE SERVICE STATIONS

Sections:

22.96.010	Legislative Intent.	22.96.100	Service on Owner of Resolution to Abate.
22.96.020	Definitions.	22.96.110	Abatement by City.
22.96.030	Maintenance Requirements.	22.96.120	Record of Cost for Abatement.
22.96.040	Public Nuisance.	22.96.130	Report - Hearing and Proceedings.
22.96.050	Abatement Procedure.	22.96.140	Assessment of Costs Against Property; Lien.
22.96.060	Effect of Voluntary Abatement.	22.96.150	Alternate Enforcement Measures.
22.96.070	Extension of Abatement Period.	22.96.160	Limitation of Action.
22.96.080	Abatement Hearing; Setting and Notice.		
22.96.090	Abatement Hearing by City Council.		

22.96.010 Legislative Intent.

The City Council, having found that the existence of closed, vacant and inoperative automobile service stations which are not properly maintained constitutes a danger to public health, safety, comfort and welfare in that such conditions lead to unsightliness, blight, vandalism, trespass, and decreasing values to surrounding properties, and that such abuses entitle this City to exercise its Police powers to protect the health, safety, comfort and welfare of the community, intends the following regulations to provide for the property maintenance of closed, vacant and inoperative automobile service stations. (Ord. 3765 §1, 1975.)

22.96.020 Definitions.

(a) "Abandoned service station" means an automobile service station where the owner or lessee has failed to operate such station for the retail sale of gasoline and other petroleum products to the general public for at least ninety (90) consecutive days and where the property has not been converted to another commercial use permitted by Title 28 of this Code.

An automobile service station which is used only as a storage facility for gasoline and other petroleum products is an abandoned service station for the purposes of this chapter.

(b) "Automobile service station" means any site where the buildings are designed, built and operated for the purpose of dispensing and selling fuels for internal combustion engines of any automotive vehicles. (Ord. 3765 §1, 1975.)

22.96.030 Maintenance Requirements.

All abandoned service stations in the City of Santa Barbara shall be maintained in compliance with the following requirements:

(a) The windows, doors and any and all openings in all buildings on the site shall be securely covered with plywood or other comparable material at least 3/4 inches in thickness which shall be painted to match the color of the building;

(b) Vehicular access to the site shall be prevented by the installation of chain barriers firmly affixed to the ground;

(c) All trees, shrubs, bushes and other landscaping on the site shall be properly watered and otherwise maintained. (Ord. 3765 §1, 1975.)

22.96.040 Public Nuisance.

Any abandoned service station which is not maintained in compliance with the requirements set forth in Section 22.96.030 is hereby declared to be a public nuisance. (Ord. 3765 §1, 1975.)

22.96.050 Abatement Procedure.

Upon discovery of conditions constituting a public nuisance as defined in Section 22.96.040, the Chief of Building and Zoning shall give notice to cause abatement of the public nuisance. Notification shall be personally served or sent by certified mail to all persons, firms, corporations and other entities which the records of the Recorder of the County of Santa Barbara disclose a claim or interest in the automobile service station. The notification shall be in the following form:

NOTICE OF VIOLATION

DECLARATION OF VIOLATION OF TITLE 22, CHAPTER 22.96 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO MAINTENANCE OF ABANDONED SERVICE STATIONS.

NOTICE IS HEREBY GIVEN that as of _____ day of _____, 19____, the Chief of Building and Zoning of the City of Santa Barbara has found and determined that conditions exist on the real property described as County Assessor's Parcel No. _____, located at _____ in the City of Santa Barbara, which constitute a public nuisance and a violation of Title 22, Chapter 22.96, of the Santa Barbara Municipal Code, in that an abandoned service station is located thereon and is not being maintained pursuant to the requirements of §22.96.030 of Chapter 22.96 of Title 22 of the Santa Barbara Municipal Code.

Notwithstanding any other provisions of this Code, if the nuisance is not abated by properly maintaining the abandoned service station in accordance with the provisions of §22.96.030 within thirty (30) days from the date of delivery of this notice, enforcement proceedings for the abatement of said public nuisance shall be commenced pursuant to the provisions of §22.96.080.

DATED: _____

Chief of Building and Zoning

(Ord. 3765 §1, 1975.)

22.96.060 Effect of Voluntary Abatement.

If the public nuisance is abated by the owner or lessee of any abandoned service station within the thirty (30) day period allowed in the Notice of Violation, further abatement proceedings shall be terminated. (Ord. 3765 §1, 1975.)

22.96.070 Extension of Abatement Period.

If the abatement of the public nuisance is commenced within the thirty (30) day period provided in §22.96.050, but not completed, the Chief of Building and Zoning may grant a single extension of fifteen (15) days for good cause shown, such as delays beyond the control of the affected party or parties. (Ord. 3765 §1, 1975.)

22.96.080 Abatement Hearing; Setting and Notice.

(a) In the event the owner of an abandoned service station which is not maintained in compliance with this chapter fails to abate the public nuisance within the time allowed, the City Council shall set a public hearing to consider its abatement.

(b) The Chief of Building and Zoning shall cause notification of the hearing to be personally served or sent by certified mail to the persons, firms, corporations and other entities which the records of the Recorder of the County of Santa Barbara disclose claim an interest in the automobile service station. The notification shall be in the following form:

NOTICE OF HEARING

ABATEMENT OF PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN that on _____ day of _____, 19____, at the hour of _____, of said day, the City Council of the City of Santa Barbara will hold a public hearing at Council Chambers, City Hall, to ascertain whether the maintenance of an abandoned service station in the City of Santa Barbara at _____ constitutes a public nuisance as defined in §22.96.040 of Chapter 22.96 of the Santa Barbara Municipal Code and requires abatement as prescribed in said chapter.

The conditions which shall be the subject of the public hearing are as follows:

That if the condition of maintenance is found to constitute a public nuisance as defined in Section 22.96.040 of said Code, and the public nuisance has not been abated by the owner or owners of such service station, such public nuisance may be ordered by the City Council to be abated by such owner or owners, or may be ordered to be abated by the duly constituted authorities of this City and the cost thereof charged to such owner or owners or placed as a lien against the property;

That all persons having any objection to or interest in said matters are hereby notified to attend the meeting stated in this Notice, when their testimony and evidence will be heard and given consideration.

DATED: _____

(Title and Address of Enforcement Authority)

(c) A copy of the Notice of Hearing shall be posted conspicuously on each of the premises and buildings affected.

(d) A copy of said Notice of Hearing shall be served personally or by certified mail and posted at least fifteen (15) days before the time fixed for the hearing. Proof of service and posting of such notice shall be made by written declaration under penalty of perjury and be filed with the City Council. (Ord. 3675 §1, 1975.)

22.96.090 Abatement Hearing by City Council.

(a) At the time stated in the notices, the City Council shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, City personnel and interested persons relative to such alleged public nuisance. Said hearing may be continued from time to time.

(b) Upon the conclusion of said hearing, the City Council shall, based upon such hearing, determine whether the premises, or any part thereof, as maintained constitutes a public nuisance as defined in §22.96.040. If the City Council finds that such public nuisance does exist, the City Council shall adopt a resolution declaring such premises to be a public nuisance and ordering the abatement of the same within a reasonable period of time to be determined by Council, by having such premises, buildings or structures maintained in compliance with §22.96.030. (Ord. 3765 §1, 1975.)

22.96.100 Service on Owner of Resolution to Abate.

A copy of the resolution of the City Council ordering the abatement of said nuisance shall be served upon the owners of said property in accordance with the provisions of Section 22.06.050 and shall contain a list of needed corrections and abatement methods. Any property owner shall have the right to have any such premises maintained in accordance with said resolution and at his own expense provided the same is done prior to the expiration of the designated abatement period. Upon such abatement in full by the owner, then proceedings hereunder shall terminate. (Ord. 3765 §1, 1975.)

22.96.110 Abatement by City.

If such nuisance is not completely abated by the owner as directed within the designated abatement period, then the Chief of Building and Zoning may cause the same to be abated by City forces or private contract and the Chief (or his designated agents) is expressly authorized to enter upon said premises for such purpose. (Ord. 3765 §1, 1975.)

22.96.120 Record of Cost for Abatement.

The Chief of Building and Zoning shall keep an account of the cost (including incidental expenses) of abating such nuisance on each separate lot, or parcel of land where the work is done and shall render an itemized report in writing to the said City Council showing the cost of abatement, provided, that before said report is submitted to said City Council, a copy of the same shall be posted for at least five (5) days upon such premises, together with a notice of the time when said report shall be heard by the City Council for confirmation; a copy of said report and notice shall be mailed to the owners of said property, in accordance with the provisions of Section 22.96.050 at least five (5) days prior to submitting the same to the City Council. The term "incidental expenses" shall include, but not be limited to, the actual and overhead expenses and costs of the City in the preparation of notices, specifications and contracts, and in inspecting the work, and the costs of printing and mailing required hereunder. (Ord. 3765 §1, 1975.)

22.96.130 Report - Hearing and Proceedings.

At the time and place fixed for receiving and considering said report, the City Council shall hear and pass upon the report of the Chief of Building and Zoning together with any objections or protests. Thereupon the City Council may make such revision, correction or modification in the report as it may deem just, after which the report, as submitted or revised, corrected or modified, shall be confirmed. The decision of the City Council on all protests and objections which may be made shall be final and conclusive. (Ord. 3765 §1, 1975.)

22.96.140 Assessment of Costs Against Property; Lien.

The total cost of abating such nuisance, as so confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the Office of the County Recorder of a Notice of Lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

(a) After such confirmation and recordation, a copy may be turned over to the Tax Collector for the County, whereupon it shall be the duty of said Tax Collector to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or

(b) After such recordation such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

(c) Such Notice of Lien for recordation shall be in form substantially as follows:

NOTICE OF LIEN

(Claim of City of Santa Barbara)

Pursuant to the authority vested by the provisions of Section 22.96.110 et seq. of the Santa Barbara Municipal Code, the Chief of Building and Zoning did on or about the _____ day of _____, 19____, cause the premises hereinafter described to be maintained in compliance with §22.96.030, in order to abate a public nuisance on said real property; and the City Council of the City of Santa Barbara did on the _____ day of _____, 19____, assess the cost of such maintenance upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Santa Barbara does hereby claim a lien on such maintenance in the amount of said assessment, to wit: the sum of \$ _____; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Santa Barbara, County of Santa Barbara, State of California, and particularly described as follows:

(DESCRIPTION)

DATED: This _____ day of _____, 19____.

Chief of Building and Zoning
of the City of Santa Barbara, California

(Ord. 3765 §1, 1975.)

22.96.150 Alternate Enforcement Measures.

Nothing in the foregoing sections shall be deemed to prevent the City Council from ordering the City Attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein. (Ord. 3765 §1, 1975.)

22.96.160 Limitation of Action.

Any party aggrieved with the proceedings, decision, or action taken by the City Council or the Chief of Building and Zoning under this chapter in ordering the abatement of a public nuisance or other order, must bring an action to contest such proceeding, decision, action or order within thirty (30) days after the date of the proceeding, decision, action or order of the City Council or Chief of Building and Zoning. (Ord. 3765 §1, 1975.)